



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: March 15, 2006

Time: Closed Session 6:30 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Actual litigation: Government Code §54956.9(a); one case; Pacific Bell Telephone Company, a California corporation doing business as AT&T California, v. City of Lodi et al., San Joaquin County Superior Court, Case No. CV028523

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll call

B. Invocation – Major Frank Severs, Lodi Salvation Army

C. Pledge of Allegiance

D. Presentations

D-1 Awards – None

D-2 Proclamations

- a) National Library Week / National Library Workers' Day (LIB)

D-3 Presentations – None

E. Consent Calendar (Reading; comments by the public; Council action)

E-1 Receive Register of Claims in the amount of \$6,240,631.58 (FIN)

E-2 Approve minutes (CLK)

- a) January 10, 2006 (Shirtsleeve Session)
- b) January 24, 2006 (Shirtsleeve Session)
- c) February 7, 2006 (Shirtsleeve Session)
- d) February 7, 2006 (Special Meeting)
- e) February 21, 2006 (Shirtsleeve Session)
- f) March 7, 2006 (Shirtsleeve Session)

E-3 Approve plans and specifications and authorize advertisement for bids for Playground Improvements at Peterson Park West Playground, 199 Evergreen Drive (PR)

E-4 Approve plans and specifications and authorize advertisement for bids for Asphalt Rubber Cape Seal, Various Streets, 2006 (PW)

E-5 Receive for informational purposes Contract Change Order No. 3 – Kettleman Lane Gap Closure Project Lower Sacramento Road to Ham Lane and Stockton Street to Cherokee Lane (\$8,158.86) (PW)

- Res. E-6 Adopt resolution accepting improvements in Century Meadows One, Unit No. 3, Tract No. 3289 (PW)
- E-7 Set public hearing for April 5, 2006, to consider the appeal of the Planning Commission's decision of February 22, 2006, to approve a Use Permit for Vineyard Christian Middle School to place a private 6th, 7th, and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 West Lodi Avenue (File# U-05-020) (CD)

F. Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

G. Comments by the City Council Members on non-agenda items

H. Comments by the City Manager on non-agenda items

I. Public Hearings

- Res. I-1 Public hearing to consider resolution approving new rates for solid waste collection (PW)
- Res. I-2 Public hearing to consider resolution adopting the City's 2005 Urban Water Management Plan Update (PW)

J. Communications

- J-1 Claims filed against the City of Lodi – None
- J-2 Appointments
- a) Appointments to the Lodi Animal Shelter Task Force and the Lodi Improvement Committee (CLK)
- J-3 Miscellaneous
- a) Monthly Protocol Account Report (CLK)

K. Regular Calendar

- Res. K-1 Mid-year budget review and resolution to revise 2005-06 budget appropriations (CM)
- K-2 Review and adopt formal comments on Measure K Renewal Expenditure Plan (PW)
- K-3 Authorization of a Memorandum of Understanding with Michael/David Winery and Jesse's Grove Winery to truck industrial effluent to the Lodi industrial wastewater treatment plant in exchange for charging the established industrial rate plus a 50% surcharge and opening a joint Downtown wine tasting room (CM)
- Res. K-4 Approve Lodi Tourism Business Improvement District 2006 annual report, adopt resolution of intent to levy annual assessment, and set public hearing for March 29, 2006 (CM)
- Res. K-5 Adopt resolution approving the City Council Protocol Manual (CLK)
- K-6 Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation (175,611.33) (CA)

L. Ordinances – None

M. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Susan J. Blackston, City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: National Library Week

MEETING DATE: March 15, 2006

PREPARED BY: Nancy Martinez

RECOMMENDED ACTION: That Mayor Hitchcock present a proclamation proclaiming the Week of April 2 – 8, 2006, as "National Library Week" and a proclamation proclaiming Tuesday, April 4, 2006, as "National Library Workers Day."

BACKGROUND INFORMATION: Mayor Hitchcock has been requested to present a proclamation proclaiming the week of April 2 – 8, 2006, as "National Library Week" and Tuesday, April 4, 2006, as "National Library Workers Day." Nancy Martinez, Library Services Director, will be present to accept the proclamation.

FISCAL IMPACT: None

FUNDING AVAILABLE: N/A

Nancy Martinez
Library Services Director

NM

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Register of Claims Dated February 28, 2006 in the Amount of \$6,240,631.58

MEETING DATE: March 15, 2006

PREPARED BY: Management Analyst

RECOMMENDED ACTION: That the City Council receives the attached Register of Claims. The disclosure of the PCE/TCE expenditures is shown as a separate item on the Register of Claims.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$6,240,631.58 dated 2/28/2006 which includes PCE/TCE payments of \$139,115.53 and Payroll in the amount of \$1,105,100.60

FISCAL IMPACT: n/a

FUNDING AVAILABLE: As per attached report.

Ruby R Paiste, Interim Finance Director

RRP/kb

Attachments

APPROVED: _____
Blair King, City Manager

Accounts Payable	Page	-	1
Council Report	Date	- 02/28/06	
As of	Fund	Name	Amount
Thursday			
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02/16/06	00100	General Fund	569,382.31
	00123	Info Systems Replacement Fund	547.16
	00160	Electric Utility Fund	14,180.59
	00161	Utility Outlay Reserve Fund	587.11
	00164	Public Benefits Fund	7,582.41
	00170	Waste Water Utility Fund	20,066.12
	00172	Waste Water Capital Reserve	17,470.62
	00180	Water Utility Fund	8,734.92
	00181	Water Utility-Capital Outlay	1,359.78
	00210	Library Fund	4,650.74
	00234	Local Law Enforce Block Grant	533.01
	00235	LPD-Public Safety Prog AB 1913	56.21
	00270	Employee Benefits	76,239.18
	00300	General Liabilities	6,026.36
	00310	Worker's Comp Insurance	7,833.33
	00325	Measure K Funds	117,748.84
	00326	IMF Storm Facilities	3,251.65
	00327	IMF(Local) Streets Facilities	2,540.07
	00340	Comm Dev Special Rev Fund	5,157.65
	00410	Bond Interest & Redemption	2,860.00
	00430	1996 Cop Redemption Fund	825.00
	00459	H U D	251.34
	01217	IMF Parks & Rec Facilities	4,275.31
	01250	Dial-a-Ride/Transportation	2,014.38
	01410	Expendable Trust	14,332.17

Sum			888,506.26
	00183	Water PCE-TCE	42.00

Sum			42.00

Total for Week			
Sum			888,548.26

Accounts Payable	Page	-	1
Council Report	Date	- 02/28/06	
As of	Fund	Name	Amount
Thursday			

02/23/06	00100	General Fund	673,892.78
	00160	Electric Utility Fund	4,137,161.42
	00161	Utility Outlay Reserve Fund	467.42
	00164	Public Benefits Fund	621.68
	00170	Waste Water Utility Fund	17,489.79
	00172	Waste Water Capital Reserve	16,645.46
	00180	Water Utility Fund	2,286.53
	00181	Water Utility-Capital Outlay	33,191.81
	00182	IMF Water Facilities	25,825.09
	00184	Water PCE-TCE-Settlements	40.48
	00190	Central Plume	30,213.03
	00210	Library Fund	4,119.50
	00234	Local Law Enforce Block Grant	357.89
	00270	Employee Benefits	589.75
	00300	General Liabilities	2,234.40
	00310	Worker's Comp Insurance	22,306.71
	00327	IMF(Local) Streets Facilities	500.00
	00335	State-Streets	9,781.20
	00340	Comm Dev Special Rev Fund	9,898.15
	00501	Lcr Assessment 95-1	27,932.50
	00502	L&L Dist Z1-Almond Estates	300.00
	01211	Capital Outlay/General Fund	5,089.48
	01241	LTF-Pedestrian/Bike	8,159.80
	01250	Dial-a-Ride/Transportation	140,626.24
	01410	Expendable Trust	43,278.68

Sum			5,213,009.79
	00183	Water PCE-TCE	139,073.53

Sum			139,073.53

Total for Week			
Sum			5,352,083.32

Date - 02/28/06

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	02/12/06	00100	General Fund	773,885.74
		00160	Electric Utility Fund	141,969.20
		00164	Public Benefits Fund	5,023.95
		00170	Waste Water Utility Fund	69,300.30
		00180	Water Utility Fund	9,084.08
		00210	Library Fund	30,712.98
		00235	LPD-Public Safety Prog AB 1913	148.44
		00340	Comm Dev Special Rev Fund	39,931.17
		01250	Dial-a-Ride/Transportation	2,852.17
Pay Period Total:				
Sum				1,072,908.03
Retiree	03/31/06	00100	General Fund	32,192.57
Pay Period Total:				
Sum				32,192.57



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Minutes
a) January 10, 2006 (Shirtsleeve Session)
b) January 24, 2006 (Shirtsleeve Session)
c) February 7, 2006 (Shirtsleeve Session)
d) February 7, 2006 (Special Meeting)
e) February 21, 2006 (Shirtsleeve Session)
f) March 7, 2006 (Shirtsleeve Session)

MEETING DATE: March 15, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council approve the following minutes as prepared:

- a) January 10, 2006 (Shirtsleeve Session)
- b) January 24, 2006 (Shirtsleeve Session)
- c) February 7, 2006 (Shirtsleeve Session)
- d) February 7, 2006 (Special Meeting)
- e) February 21, 2006 (Shirtsleeve Session)
- f) March 7, 2006 (Shirtsleeve Session)

BACKGROUND INFORMATION: Attached are copies of the subject minutes, marked Exhibits A through F.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Susan J. Blackston
City Clerk

SJB/JMP

Attachments

APPROVED: _____
Blair King, City Manager

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, JANUARY 10, 2006**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, January 10, 2006, commencing at 7:02 a.m.

A. ROLL CALL

Present: Council Members – Beckman, Hansen, Johnson, and Mayor Hitchcock
Absent: Council Members – Mounce
Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

NOTE: The following items were discussed out of order.

B. TOPIC(S)

B-2 "Receive for informational purposes preliminary rating from Standard & Poor's for Electric Utility"

City Manager King noted that a "blue sheet" of Standard & Poor's rating of Lodi's Electric Utility had been distributed (filed).

Deputy City Manager Krueger reported that a proforma showing the basic working capital of the Electric Utility and the General Fund was provided to the rating agency. Standard & Poor's rated the Utility BBB+ with a "negative" outlook. Staff will be providing quarterly updates to rating agencies Fitch and Standard & Poor's.

Mayor Hitchcock read the following statement from the ratings document, *"Should the city fail to rebuild reserves or increase coverage of fixed charges, or should it experience any other unexpected adverse developments of a financial nature, the rating will be lowered."* She noted that electric rates were not increased enough to cover operational costs and questioned whether the rating agency recognized it.

Mr. Krueger replied in the affirmative; however, the proforma showed that there would be reserves at the end of the year.

Mr. King recommended that a face to face meeting with the rating agencies occur in early March and suggested that two Council Members, along with staff, attend. The meeting would take place in New York where there is an opportunity to meet with senior analysts and committee members.

Interim Electric Utility Director Dockham outlined the following risks associated with a reduction in rating:

- Counter parties might not want to enter into a forward purchase transaction;
- The City might have to pay more for participation in projects, due to credit concerns;
- The City could be required to purchase insurance on the bonds if the credit rating were lowered further; and
- Some entities might require the City to post collateral before making a sale.

Council Member Beckman asked staff to report back with comparative information on what amounts other Northern California Power Agency member cities transfer to their general funds. Mr. Beckman offered to attend the rating agency meeting to clarify that he voted against the electric rate increase for procedural, rather than substantive, reasons.

Council Member Hansen and Mayor Pro Tempore Johnson expressed an interest in attending the rating agency meeting.

B-1 "Review of draft City Council Protocol Manual"

City Clerk Blackston reported that the purpose of the City Council Protocol Manual was to provide guidelines and references in one location regarding relevant statutory requirements and regulations governing responsibilities of the Council. Following its review, the Manual would be brought back to Council for approval at a regularly scheduled meeting. She noted that three exhibits were attached to the Manual: 1) Lodi Municipal Code Chapter 2.04, 2) Resolution 2004-282 regarding meeting rules, and 3) Resolution 2004-115 regarding the City of Lodi Code of Ethics and Values.

Mayor Hitchcock asked that Council receive a copy of the City's Administrative Policy and Procedure Manual. She mentioned that there has been a tradition that the Mayor meets with staff to review draft Council agendas and suggested that it be included in the Manual.

Referencing section 3.6a, Mayor Pro Tempore Johnson recommended that the adjournment (in memory of) announcement be made at the beginning of meetings when an audience is present, rather than at the conclusion.

Ms. Blackston stated that Resolution 2000-131 amended the Travel and Business Expense Policy and Procedures by adding the following statement:

Budget Council Member expense accounts for a two-year period by prohibiting Council Members from exceeding the two-year budget total for their respective accounts. If a Council Member overspends one year, their account must be reduced by the amount overspent the following year, and in turn, if the Council Member under spends one year, that amount will be carried over to their second-year budget.

Ms. Blackston noted that the amendment allowed for flexibility in instances where there were unexpected events/meetings, or when new Council Members or Mayors wished to attend additional training/conferences. Now that the City has changed from two-year budgets to a one-year budget, Resolution 2000-131 may be repealed or amended.

Council Member Beckman pointed out that there are five fiscal years encompassing the term of office for a Council Member and suggested that any amendment to the resolution take this into consideration, or allocate a certain amount to be used over a four-year period.

Mayor Pro Tempore Johnson and Council Member Hansen favored having the ability for Council to authorize additional expenses if warranted.

Mayor Hitchcock recommended that an additional amount be budgeted for Mayors and those serving on League of California Cities committees, which require attendance at numerous meetings.

Mayor Pro Tempore Johnson suggested that additional funding be allocated for special Mayoral representation, to which Mayor Hitchcock and Council Member Hansen expressed agreement and recommended an amount of \$500.

City Attorney Schwabauer reported that Assembly Bill 1234 (effective January 1, 2006) would require public officials to complete at least two hours of ethics training every two years and adopt an expense reimbursement policy.

In reference to section 4.5, Mayor Hitchcock commented that City Council appointee evaluations have taken place at various times throughout the year and recommended that a set time be selected.

Ms. Blackston suggested that March or April (prior to budget adoption) would be an appropriate time.

Council Member Hansen felt that new Council Members would not be prepared to evaluate an appointee until late in the year.

Ms. Blackston read the following statement from section 5.4, *"Members of the City Council should not attempt to influence or publicly criticize commission recommendations, or to influence or lobby individual commission members on any item under their consideration. It is important for commissions to be able to make objective recommendations to the City Council on items before them."*

Mr. King recalled that he and Council Member Hansen attended an American Public Power Association conference recently, at which energy commissioners from the city of Colton were quite vocal about their criticism of Colton's City Council. He suggested that language be included in the Protocol Manual that criticism of the City Council is not to be expressed outside the context of a commission meeting.

Mr. Schwabauer replied that he would have First Amendment concerns about drafting language as suggested by Mr. King.

Council Member Hansen was in favor of guidelines stating that if appointed commissioners have concerns about Council or its policies, the matter should be taken to the Council rather than verbalizing it at a public meeting.

Mayor Pro Tempore Johnson recommended that section 5.7, second paragraph, *"The positions taken by the appointed representative are to be in alignment with the positions that the Council has taken on issues that directly impact the City of Lodi"*, be added to section 5.3.

Council Member Beckman agreed that commission members should be supportive of adopted policies.

In reference to section 5.7, Council Member Hansen commented that, on the San Joaquin Council of Governments, there is not always time to ask for Council feedback prior to voting on a matter.

Mayor Pro Tempore Johnson mentioned that, in his service on the San Joaquin Partnership, he has declined to vote on an issue if the City Council has not yet taken a position on the matter. He expressed support for leaving the policy language as is.

Council Member Beckman also wished to leave the language as written regarding section 5.7.

NOTE: Discussion regarding the City Council Protocol Manual was continued to the Shirtsleeve Session of January 24, 2006.

C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

Continued January 10, 2006

D. ADJOURNMENT

No action was taken by the City Council. The meeting was adjourned at 8:32 a.m.

ATTEST:

Susan J. Blackston
City Clerk

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, JANUARY 24, 2006**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, January 24, 2006, commencing at 7:00 a.m.

A. ROLL CALL

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock
Absent: Council Members – None
Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

B. TOPIC(S)

B-1 "Continued review of draft City Council Protocol Manual"

City Clerk Blackston recalled that the January 10 Shirtsleeve Session review of the draft Protocol Manual had concluded with section 5. Ms. Blackston mentioned that she would add a subsection documenting that Council annually hosts an event to recognize current and retiring members of Council appointed boards, commissions, and committees.

Discussion ensued about the inconsistent practice of recognizing outgoing chairpersons and certain City staff at Council meetings. No change was recommended and consensus was to allow such recognition to occur as requested.

Ms. Blackston stated that she would change the heading of section 6.2 from "Meeting Dates" to "Meeting Location."

Referencing section 6.3b, Ms. Blackston read the following statement, which had originated from the minutes of February 1, 2005, *"If a request is made by a Council Member at a Council meeting, it is suggested that a vote be taken, or an indication through concurrence, that there is an interest by a majority of Council to hear the matter."*

Discussion ensued about the above statement, and it was generally agreed that any member of the Council should be able to request that an item be placed on a City Council agenda; however, staff would not devote time and resources to preparing reports, etc. until after the matter was discussed by Council and a decision made on whether or not to proceed.

In reference to section 6.3m, City Attorney Schwabauer recalled that Council had previously requested that he provide more information on the subject of Council comments on non-agenda items. He reported that the Brown Act states that it is not intended to allow discussion and debate about an item that is within the jurisdiction of the Council. It would be an appropriate time for Council Members to ask that a matter be placed on a future agenda for discussion. He also mentioned that under AB 1234 Council will be required to report (during comments by Council on non-agenda items) on any conference attended and make a brief statement on the substance of what was learned.

City Manager King suggested that the issue of electronic communications also be addressed in the Protocol Manual. He noted that some cities will not accept email comments during council meetings as part of public hearings because identity of the sender cannot be definitively ascertained.

Mr. Schwabauer explained that during quasi-judicial public hearings the Council is acting in the capacity of judges, rather than legislators, and cannot accept comment outside the course of the hearing without disclosing the content. In quasi-judicial hearings, the Council must be impartial and all sides are to have an equal opportunity to present and rebut evidence.

Ms. Blackston noted that the administrative policy related to Council agenda/packets prohibits Council Members from using the Internet or communicating via email during meetings. She also reported that a request to amend resolution 2004-282 will be brought to Council to add ex parte announcements. This will change the procedure for public hearings to allow an opportunity for Council Members to disclose, prior to the opening of a quasi-judicial hearing, any communications they had pertaining to the matter.

Council Member Beckman asked the City Attorney to delineate quasi-judicial hearings on agendas.

Referencing section 6.4d, City Manager King noted that Council is asked not to engage in debate with members of the public during meetings, as it improves decorum and ensures the public an uninterrupted period to make comments. He suggested that factual responses be made by Council and staff following the close of the public comment period.

It was suggested that the Council Protocol Manual be distributed to Council Members on compact disc and posted on the City's website.

Section 7.3, Citizen Complaint Process, was discussed and Mr. King acknowledged that there was no tracking system in place or method of coordinating responses and suggested that the reference be omitted from the Manual. He did feel that complaints should be forwarded to the City Manager's Office. To avoid misunderstandings, Mr. King asked that Council Members communicate requests to him rather than directly to staff members.

Council Member Mounce mentioned that she had her own website to allow her constituents a venue for expressing opinions and asking questions and she inquired whether this would be in violation of the policy, to which Mr. King replied that it would not.

Ms. Blackston stated that she would amend section 7.3 to include the process that the City Clerk's Office uses when communications are received for the City Council.

In reference to section 8.5, Mr. Schwabauer explained that he represents the City through its elected body and does not represent individual Council Members. If a Council Member requests conflict of interest advice from him, the information is public and will be shared with the remainder of the Council. Mr. Schwabauer noted that his informal opinions in such matters are not a defense to prosecution from the Fair Political Practices Commission (FPPC). The only defense would be a formal written opinion from the FPPC.

C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

D. ADJOURNMENT

No action was taken by the City Council. The meeting was adjourned at 8:38 a.m.

ATTEST:

Susan J. Blackston
City Clerk

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, FEBRUARY 7, 2006**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, February 7 2006, commencing at 7:05 a.m.

A. ROLL CALL

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

B. TOPIC(S)

- B-1 "Presentation on 2005 Urban Water Management Plan, update on surface water treatment plant, and proposed Recycled Water Master Plan"

Public Works Director Prima explained that the Urban Water Management Plan is required by the State every five years. It will be brought to Council for approval in March. He mentioned that on February 9 the Woodbridge Irrigation District (WID) Board will vote on whether to approve the City's request to extend by four years the period of time Lodi can bank water under its agreement. Mr. Prima recommended that the City proceed with a surface water treatment plant.

With the aid of an overhead presentation (filed), Glenn Hermanson, Project Manager for RMC Water and Environment, stated that there would be a two-week public review period for the Water Management Plan. A 1.5% growth rate was used in its preparation. In 2005, Lodi used 17,300 acre feet of water. The groundwater levels in Lodi are decreasing at a rate of five inches per year. The City has a contract with WID for 6,000 acre feet of surface water from the Mokelumne River for a 40-year period. Some of the City's treated effluent is recycled and used to irrigate farmland near the treatment plant. Based on recent calculations, it was determined that Lodi's sustainable yield from the groundwater is 15,000 acre feet per year. Available recycled water will grow from 7,200 acre feet per year in 2005 to approximately 10,380 acre feet in 2030. Without water meters, the City will exceed its groundwater and surface water supplies in 2018 and with water meters this is delayed to 2029.

In reply to Council Member Mounce, Mr. Prima reported that staff is working with Stockton on studies for its use of Lodi's recycled water. City staff will be submitting a grant application to the State. He noted, however, that if this project were to occur it would take away the recycled water supply that could otherwise be counted in Lodi's Urban Water Management Plan.

Wally Sandelin, City Engineer, recalled that in November 2005 staff gave a presentation to Council on alternatives for the WID surface water action plan and has now developed a conceptual schedule for implementation of the "treat and drink" option, in which a water treatment facility would be built with transmission facilities throughout the community. In March, staff will ask Council for authorization to begin soliciting consultant services to begin the initial studies. The project is estimated at up to \$25 million, which would be paid entirely by new development. The plant could be online within four years and would involve chlorination of all the City's water.

Mayor Hitchcock asked that staff provide Council with more information on groundwater recharge options.

Mr. Prima explained that he is recommending the surface water treatment plant, due to considerations related to wastewater discharge salinity requirements and the long-term sustainability of agriculture and urban life in the valley. He believed that salt build up in the Central Valley would be a significant issue in the future. The standard water quality goal for the Delta is 450 total dissolved solids (TDS) and the City's discharge is now 440 TDS. The proposed treatment plant would lower the salinity of the wastewater, making it more suitable for reuse. He acknowledged that, due to the size of the Westside project, it is feasible that development could help finance the plant; however, development fees would have to be increased substantially to accomplish it.

Council Member Beckman commented that if the City does not have facilities in place to do groundwater recharge there will be no opportunities to partner with other water entities on such a project. Mr. Beckman stated that he was very much in favor of groundwater recharge.

City Attorney Schwabauer stated that, according to the information provided by the water consultants, the projected growth in the City's water demand would make it appropriate to place the entire cost of the treatment plant on new development.

Mayor Hitchcock pointed out that it appears the treatment plant option is being recommended based upon the proposed Westside development. She recalled staff had previously supported the groundwater recharge option.

Council Member Mounce felt that a decision should be made expediently with consideration to the future, long-term value of water.

C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

D. ADJOURNMENT

No action was taken by the City Council. The meeting was adjourned at 8:12 a.m.

ATTEST:

Susan J. Blackston
City Clerk

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, FEBRUARY 7, 2006**

A. CALL TO ORDER / ROLL CALL

The Special City Council meeting of February 7, 2006, was called to order by Mayor Hitchcock at 7:01 a.m.

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

B. REGULAR CALENDAR

B-1 “Approve fee contract with Angelo, Kilday & Kilduff for representation of City of Lodi in *Peter Rose et al. v. the City of Lodi, et al.*; United States District Court, Eastern District of California, Case No. CIV.S-05-02229”

City Attorney Schwabauer explained that wrongful imprisonment is a specialty case that involves forensic evidence, which is outside the expertise of the City's counsel. The City's \$500,000 self-insured retention covers both attorney's fees and indemnity payments.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Johnson, Beckman second, unanimously approved the fee contract with Angelo, Kilday & Kilduff for representation of City of Lodi in *Peter Rose et al. v. the City of Lodi, et al.*; United States District Court, Eastern District of California, Case No. CIV.S-05-02229.

C. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 7:04 a.m.

ATTEST:

Susan J. Blackston
City Clerk

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, FEBRUARY 21, 2006**

The February 21, 2006, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Susan J. Blackston
City Clerk

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, MARCH 7, 2006**

The March 7, 2006, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Susan J. Blackston
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve plans and specifications and authorize advertisement for bids for playground improvements at Peterson Park West Playground, 199 Evergreen Drive

MEETING DATE: March 15, 2006

PREPARED BY: Parks and Recreation Director

RECOMMENDED ACTION: That the City Council approves plans and specifications and authorize advertisement for bids for playground improvements at Peterson Park West Playground, 199 Evergreen Drive.

BACKGROUND INFORMATION: The project was part of the Parks and Recreation Departments 2000 Park Bond Act Per Capita Grant program request. The project was presented and approved by City Council at their regular meeting on January 18, 2006.

The Peterson Park West playground improvements consist of the removal and disposal of the existing playground equipment and fibar surfacing material. Work also includes the installation of a new handicap accessible play structure and new seamless poured-in-place safety rubber material. Plans and specifications are on file in the Parks and Recreation office.

FISCAL IMPACT: There is no direct impact to the Parks and Recreation Department budget for the installation of the new playground equipment and safety surfacing. The 2000 Park Bond Act Per Capita Grant program will be supporting the installation of this project in its entirety.

FUNDING:

Engineer's Estimate:	\$100,000.00
2000 Park Bond Act Per Capita Grant Allocation:	\$135,300.00

Ruby Paiste, Interim Finance Director

Tony C. Goehring
Parks and Recreation Director

Prepared by Steve Virrey, Park Project Coordinator

TCG/tl

cc: Susan Bjork, Management Analyst
Steve Dutra, Parks Superintendent
Wes Fujitani, Sr. Civil Engineer
Joel Harris, Purchasing Officer

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Plans and Specifications and Authorize Advertisement for Bids for Asphalt Rubber Cape Seal, Various Streets, 2006

MEETING DATE: March 15, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council approve the plans and specifications for the Asphalt Rubber Cape Seal, Various Streets, 2006 project and authorize advertising for bids.

BACKGROUND INFORMATION: This project includes the application of an asphalt rubber cape seal on various City streets. The streets were identified through the City's Pavement Management System based on the condition of the street pavement and the traffic load. The attached exhibits show the streets that will receive the cape seal.

The Asphalt Rubber Cape Seal, Various Streets, 2006 project consists of the rehabilitation and resurfacing of various City streets with a layer of an asphalt rubberized chip seal followed by a layer of slurry seal on top. The combination of the asphalt rubberized chip seal and the slurry is commonly known as a cape seal. An asphalt rubberized cape seal provides a cost-effective alternative to a more costly asphalt overlay to extend the life and rehabilitate deteriorated roads and streets within the City. This new method of pavement rehabilitation is being evaluated by staff for its effectiveness as part of the City's overall efforts to maximize limited street maintenance resources.

While a slurry seal only seals the road and provides a new wearing surface, the asphalt rubberized cape seal provides added strength, stability and crack reduction benefits similar to the performance benefits of an overlay but at a much lower cost. Staff's goal is to evaluate performance to determine whether the City should continue using this product in lieu of a more expensive overlay program in the residential areas of the City.

There will be temporary street closures on the day of the asphalt rubberized chip seal and on the day of the slurry seal. Immediately after the placement of the asphalt rubberized chip seal, the contractor will use rollers to seat the chips into the asphalt oil. The contractor will then provide a minimum of four sweepings to pick up the loose chips. Two days after the placement of the chip seal (but no more than seven days later) the contractor will again close the street for the slurry seal. The contractor will work with our Street Division in providing advance notification to the public regarding the dates and times of these temporary closures. Residents will receive a notice two weeks prior to the chip seal work and a door hanger will be distributed 48 hours before the contractor starts work on each street.

The plans and specifications for this project are on file in the Public Works Department. The number of streets included in this project comprises the near-minimum square yardage to achieve economy-of-scale objectives. Approximately 65,000 square yards of City streets are included in this project. Asphalt

APPROVED: _____
Blair King, City Manager

rubber cape seal contractors require at least 30,000 square yards of streets before they will bid on a project. A project with a minimum of 60,000 square yards of asphalt rubber cape seal should provide the City with prices that are below \$5 per square yard.

FISCAL IMPACT: The estimated cost for this project is \$300,000. There should be a slight decrease in short-term street maintenance costs at the completion of this project.

FUNDING AVAILABLE: The money for this project will be coming from the Street Fund. A request for appropriation of funds will be made at time of contract award.

Project Estimate \$300,000
Budgeted: 2005/06 fiscal year
Planned Bid Opening Date: April 26, 2006

Ruby Paiste, Interim Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer

Attachments

cc: Joel Harris, Purchasing Officer
George Bradley, Street Superintendent

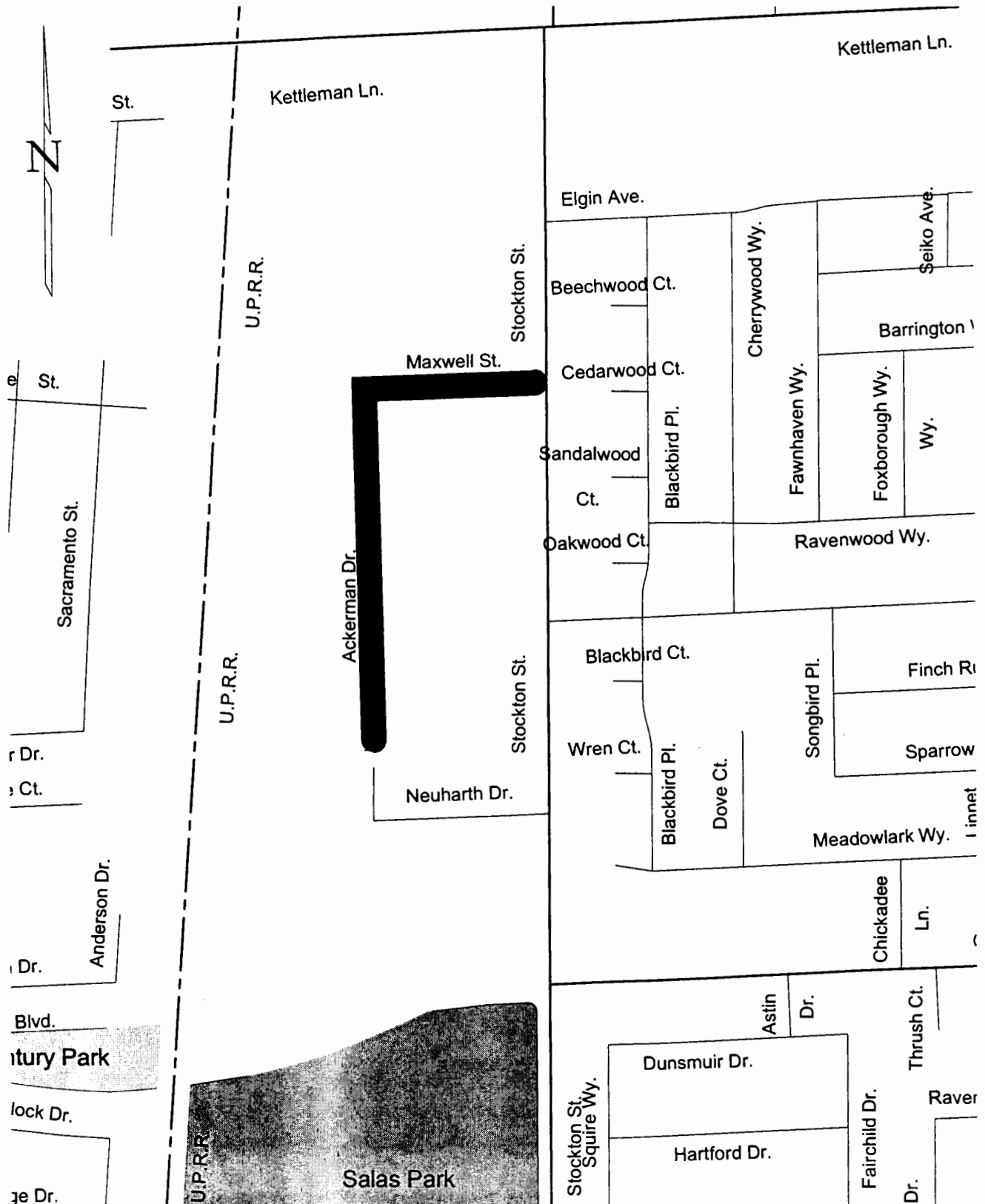
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CITY OF LODI

PUBLIC WORKS DEPARTMENT

CHIP SEAL AREA 2 ACKERMAN DR. MAXWELL DR.

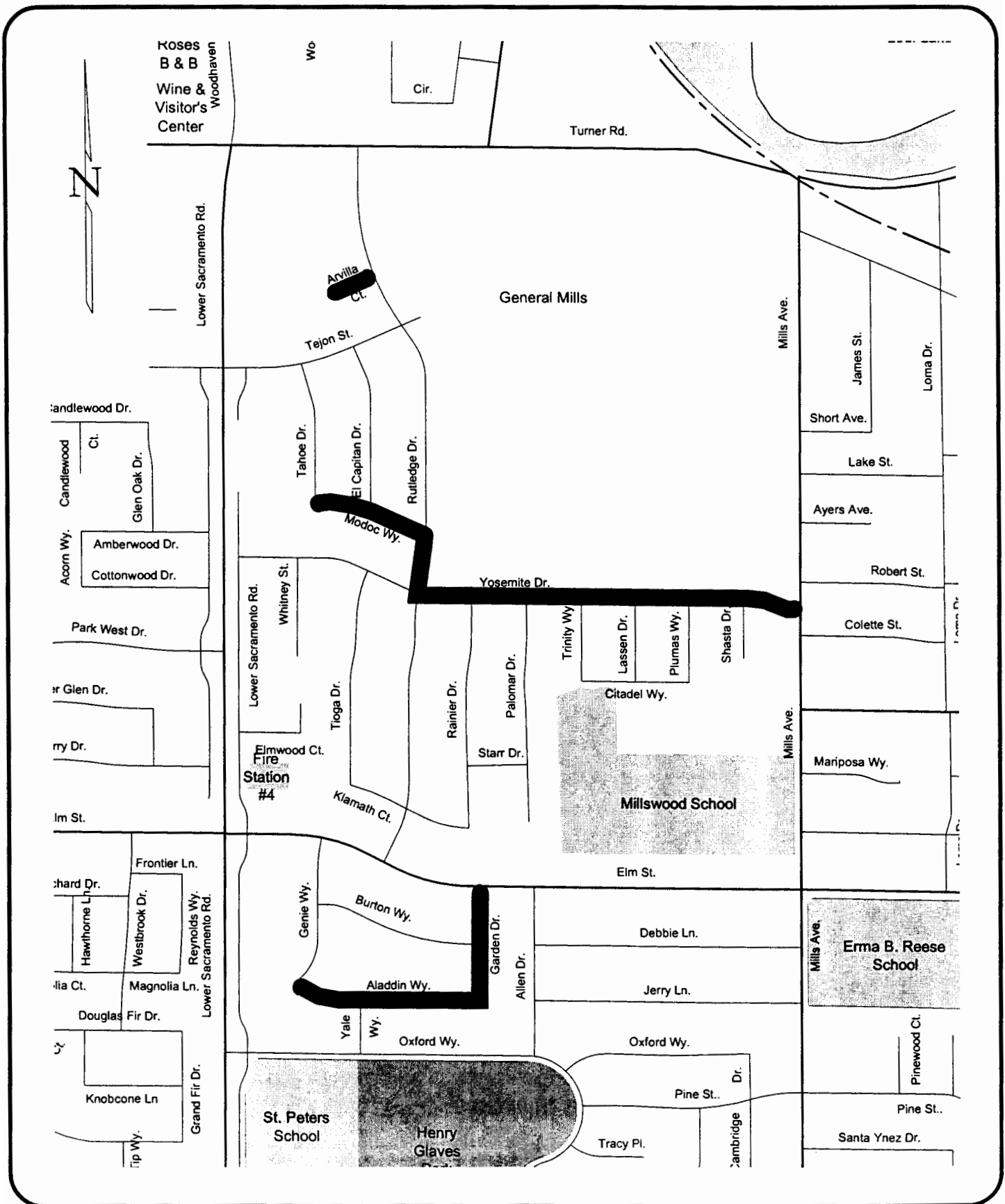




CITY OF LODI

PUBLIC WORKS DEPARTMENT

CHIP SEAL AREA 3 MILLS - LOWER SAC. RD. ALADDIN - TURNER

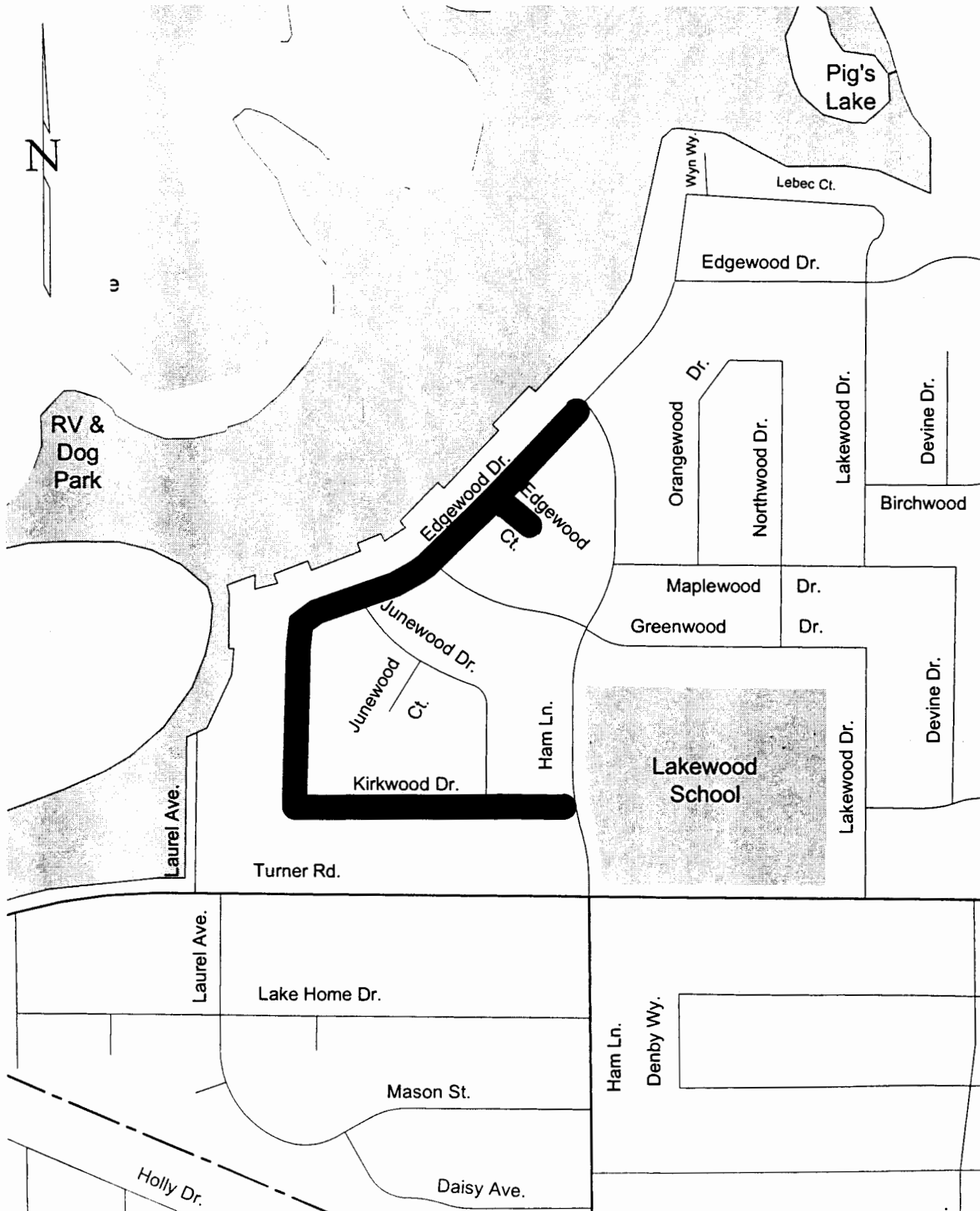




CITY OF LODI

PUBLIC WORKS DEPARTMENT

CHIP SEAL AREA 4 EDGEWOOD DR. KIRKWOOD - HAM





CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive for Informational Purposes Contract Change Order - Kettleman Lane Gap Closure Project, Lower Sacramento Road to Ham Lane and Stockton Street to Cherokee Lane

MEETING DATE: March 15, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: This item is for information only. No action is required.

BACKGROUND INFORMATION: This information is being given to Council in accordance with the Contract Change Order Policy approved by Resolution 85-173. One of the requirements of this policy is that the City Council be informed when the aggregate total of all change orders exceeds \$25,000.

Information concerning Contract Change Order No. 2 and the cost of Contract Change Order No.1 was provided to the City Council at its meeting of February 1, 2006.

The attached Contract Change Order No. 3, approved by the City Manager, was in the amount of \$8,158.86, which is 0.4% of the contract. The aggregate total of all change orders to date is \$365,447.48 (17.7% of the original contract amount). The work on Contract Change Order No. 3 includes adjustments to pay quantities which differed by more than 25% from the original contract estimate. The work on this change order also includes compensation for the additional work needed to correct ponding locations along the medians at Kettleman Lane and Mills Avenue and at Kettleman Lane and Lakeshore Drive.

FISCAL IMPACT: This contract change order should not create any change in the fiscal impact of this project.

FUNDING AVAILABLE:

Contract Amount:	\$2,426,274.48
Budgeted Fund:	Measure K Flexible Congestion Relief

Ruby Paiste, Interim Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Wesley Fujitani, Senior Civil Engineer
RCP/WKF/pmf
Attachment

APPROVED: _____
Blair King, City Manager

**CITY OF LODI
PUBLIC WORKS DEPARTMENT**

**RECEIVED
CONTRACT CHANGE ORDER NO. 3**

JAN 30 2006

Sheet 1 of 2

STOCKTON DISTRICT Date January 25, 2006
Account No. 325088

PROJECT: Kettleman Lane Gap Closure Project
(Lower Sacramento Road to Ham Lane; Stockton Street to Cherokee Lane)

CONTRACTOR: Teichert Construction

You are directed to make the following changes or do the following work not included in the Plans and Specifications on this contract.

Description of work to be done, estimate of quantities, and prices to be paid. Unless otherwise stated, rates for rental of equipment cover only such time as equipment is actually used and no allowance will be made for idle time.

- | | |
|--|---------------|
| 1. Adjust Quantity for Contract Item #13 Remove Traffic Stripe
Add 5,750.26 M at \$2.50/M Agreed Upon Price | \$14,375.56 |
| 2. Adjust Quantity for Contract Item #17 Remove Roadside Sign
Delete 51 Ea at \$11.00/Ea Agreed Upon Price | (\$561.00) |
| 3. Adjust Quantity for Contract Item #19 Remove Culvert
Delete 8 M at \$25.00/M Agreed Upon Price | (\$200.00) |
| 4. Adjust Quantity for Contract Item #21 Remove Mailbox
Delete 3 Ea at \$200/Ea Agreed Upon Price | (\$600.00) |
| 5. Delete Contract Item #22 Relocate Roadside Sign
Agreed Upon Price | (\$680.00) |
| 6. Adjust Quantity for Contract Item #23 Cold Plane Pavement
Delete 545 M2 at \$7.00/M2 Agreed Upon Price | (\$3,815.00) |
| 7. Adjust Quantity for Contract Item #37 Minor Concrete (collar)
Delete 0.8M3 at \$400.00/M3 Agreed Upon Price | (\$320.00) |
| 8. Adjust Quantity for Contract Item #47 Thermo Pavement Markers
Delete 167.9 M2 at \$33.00/M2 Agreed Upon Price | (\$5,540.70) |
| 9. Install median curb cuts at Kettleman Lane/Mills Avenue and
Kettleman Lane/Lakeshore Drive at a cost not to exceed | \$5,500.00 |

**PERCENT OF
CONTRACT**

Original Contract Price	\$2,060,827.00	
Total Cost of This Change Order NOT TO EXCEED	\$ 8,158.86	0.4%
Previous Change Orders	\$ 357,288.62	
Total Cost of All Change Orders to Date	\$ 365,447.48	17.7%
Contract Price, Including All Change Orders, Will Be:	\$2,426,274.48	

**CITY OF LODI
PUBLIC WORKS DEPARTMENT**

CONTRACT CHANGE ORDER NO. 3

Sheet 2 of 2
Date January 25, 2006
Account No. 325088

PROJECT: Kettleman Lane Gap Closure Project
(Lower Sacramento Road to Ham Lane; Stockton Street to Cherokee Lane)

CONTRACTOR: Teichert Construction

Submitted By Mr. Fujitani Date 1-25-06
Approval Recommended Steve Squelch Date 2-07-06
Approved, Public Works Director Richard [Signature] Date 2/24/06
Approved, City Manager (Per Public Works Policies and Procedures, Administration 4.1)
[Signature] Date 2/22/06

The undersigned contractor, having carefully considered the change proposed, agrees, if this proposal is approved, to provide all equipment, furnish all materials, except as otherwise noted above, perform all services necessary for the work above specified, and accept as full payment the prices shown above.

ACCEPTED: Date 2-1-06
By [Signature]

Contractor TEICHERT CONSTRUCTION
Title PROJECT MANAGER

If the contractor does not sign acceptance of this order, the contractor should refer to Section 4-1.03A of the Standard Specifications regarding filing a written protest within the specified time.



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Accepting Improvements in Century Meadows One, Unit No. 3, Tract No. 3289

MEETING DATE: March 15, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution accepting the development improvements for Century Meadows One, Unit No. 3, Tract No. 3289.

BACKGROUND INFORMATION: Improvements at Century Meadows One, Unit No. 3, Tract No. 3289 have been completed in substantial conformance with the requirements of the Improvement Agreement between the City of Lodi and K & W Development, LLC, as approved by the City Council on November 3, 2004, and as shown on Drawings No. 002D148-01 through 002D148-20.

The subdivision is located north of Harney Lane, west of the Woodbridge Irrigation District Canal and adjacent to Century Meadows One, Unit No. 2. The development consists of 76 single-family residential lots. The landscape and irrigation improvements installed by this project along Harney Lane (5,380 square feet) are public and will be maintained by the City.

The streets to be accepted are as follows:

<u>Streets</u>	<u>Length in Miles</u>
Muirfield Drive	0.00*
Centennial Drive	0.10
Lexington Drive	0.07
Springhaven Way	0.08
Wildwood Drive	0.09
Glenbrook Drive	0.08
Canal Drive	0.18
Harney Lane	0.00*
Total New Miles of City Streets	0.60

*The right-of-way dedications for Muirfield Drive and Harney Lane dedicated additional street width to existing streets. The Muirfield Drive and Harney Lane dedications did not add any additional miles of street to the City system.

The developer is entitled to reimbursement by the City for excess width street pavement improvements in Harney Lane in conformance with LMC 16.40 Reimbursement for Construction. Council, at its meeting on November 3, 2004, approved an appropriation of \$22,000 to cover the required reimbursements.

FISCAL IMPACT: There will be a slight increase in long-term maintenance costs. The estimated annual landscape maintenance is \$12,000 and it is funded by the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.

FUNDING AVAILABLE: IMF – Local Streets Facilities (MTS1014) \$22,000

Ruby Paiste, Interim Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer
cc: City Attorney
Street Superintendent (w/attachment)

Senior Civil Engineer - Development Services
Senior Engineering Technician

Senior Traffic Engineer
Chief Building Inspector

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2006-____

A RESOLUTION OF THE LODI CITY COUNCIL ACCEPTING
A PORTION OF THE DEVELOPMENT IMPROVEMENTS
INCLUDED IN THE IMPROVEMENT AGREEMENT FOR
CENTURY MEADOWS ONE, UNIT NO. 3, TRACT NO. 3289

=====

The City Council of the City of Lodi finds:

1. That most requirements of the Improvement Agreement between the City of Lodi and K & W Development, LLC for the improvements in Century Meadows One, Unit No. 3, Tract No. 3289 have been substantially complied with. The improvements are shown on Drawing Nos. 002D148-01 through 002D148-20, on file in the Public Works Department and as specifically set forth in the plans and specifications approved by the City Council on November 3, 2004; and
2. The streets to be accepted are as follows:

<u>Streets</u>	<u>Length in Miles</u>
Muirfield Drive	0.00*
Centennial Drive	0.10
Lexington Drive	0.07
Springhaven Way	0.08
Wildwood Drive	0.09
Glenbrook Drive	0.08
Canal Drive	0.18
Harney Lane	0.00*
Total New Miles of City Streets	0.60

***The right-of-way dedications for Muirfield Drive and Harney Lane dedicated additional street width to existing streets. The Muirfield Drive and Harney Lane dedications did not add any additional miles of street to the City system.**

3. That the developer is entitled to reimbursement by the City for excess width street pavement improvements in Harney Lane in conformance with LMC 16.40 Reimbursement for Construction. The City Council approved an appropriation of \$22,000 to cover the required reimbursements at its meeting of November 3, 2004.

Dated: March 15, 2006

=====

I hereby certify that Resolution No. 2006-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 15, 2006, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2006-____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set public hearing for April 5, 2006 to consider the appeal of the Planning Commission's decision of February 22, 2006 to approve a Use Permit for Vineyard Christian Middle School to place a private 6th, 7th and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 West Lodi Avenue. (File# U-05-020)

MEETING DATE: March 15, 2006

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Set public hearing for April 5, 2006 to consider the appeal of the Planning Commission's decision of February 22, 2006 to approve a Use Permit for Vineyard Christian Middle School to place a private 6th, 7th and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 West Lodi Avenue. (File# U-05-020)

BACKGROUND INFORMATION: At their meeting of February 8, 2006, the Lodi City Planning Commission held a Public Hearing to consider the request of Vineyard Christian Middle School for a Use Permit to locate a private school on the property of Lodi Avenue Baptist Church, 2301 West Lodi Avenue. Following extensive public testimony and discussion, the Public Hearing was continued to the following meeting date of February 22, 2006 to allow the Planning Commission to receive additional information from the applicant and City staff. Based on the public testimony and discussion from the two meetings, the Planning Commission voted to approve the Use Permit request at the meeting of February 22, 2006.

Some of the neighbors, particularly those directly east of the proposed school site, spoke in opposition to placing the school at this location. They are concerned that the presence of the school on the church property will adversely affect their neighborhood which they characterized as a quiet residential area. The neighbors expressed general concerns regarding added traffic, noise and litter that will result from the school. They are also concerned about the aesthetic impacts the proposed school buildings will have on the neighborhood.

In order to address the neighbor's concerns, the Planning Commission continued the Public Hearing of February 8, 2006 to their next meeting of February 22, 2006. They directed staff to work with the applicant to see if there were solutions that could be developed that would address the concerns of the

APPROVED: _____
Blair King, City Manager

neighbors. Staff came back with a number of possible conditions that could be placed on the project to address some of the issues raised by the neighbors. The Planning Commission also took additional public comments regarding the project and the new conditions. Based on the information presented at the hearings, the Planning Commission determined that the proposed school was an appropriate use for the location and approved a Use Permit for Vineyard Christian Middle School to operate at this location.

A group of neighbors that object to the proposed project have filed an appeal of the Planning Commission's action to grant a Use Permit for the school. The appeal is to have the City Council overturn the actions of the Planning Commission and to deny the Vineyard Christian Middle School Use Permit.

FISCAL IMPACT: None

FUNDING AVAILABLE: Not Applicable

Randy Hatch
Community Development Director

Attachment: Staff report and Planning Commission Resolution

cc: City Attorney

Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Comments by the City Council Members on non-agenda items



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Resolution Approving New Rates for Solid Waste Collection

MEETING DATE: March 15, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That City Council conduct a public hearing to consider a resolution approving new rates for solid waste collection.

BACKGROUND INFORMATION: As a part of the franchise agreement with Central Valley Waste Services, rates for solid waste collection are to be adjusted annually. Section 7c of the franchise agreement states that starting April 1, 2005, rates shall be adjusted in a percentage amount equal to 80% of the annual change in the Consumer Price Index (CPI) for all Urban Consumers for San Francisco-Oakland-San Jose, California area, All Items (1982-84=100). The percent increase in rates based on the CPI change is 1.56%. Section 7f of the franchise agreement also states that the contractor may request additional increases due to extraordinary increases in fuel and landfill costs. Central Valley Waste Services is asking for an additional increase of 0.95% for increased disposal costs and an additional 0.54% due to increased fuel costs (or \$0.60 per month for 38-gallon service). The total rate increase requested by Central Valley Waste Services is 3.02%.

After the above requested additional increases were reviewed, staff requested changes to how the fuel adjustment was calculated to recognize that the CPI includes fuel costs. However, the CPI is based on the average consumer, not a fleet operation that uses a significant amount of diesel fuel. Thus, the requested fuel adjustment was only reduced a small amount. Exhibits A, B, and C show the new rates for solid waste removal services requested by Central Valley Waste Services that reflect a small decrease in rates due to the change in the calculations. The changes result in a lower than requested rate increase of 2.92% (or \$0.58 per month for 38-gallon service).

FISCAL IMPACT: Yearly CPI increase is mandated by contract. Rate increase will result in additional revenue received by the City through the 4.8% franchise fee.

FUNDING AVAILABLE: None required. If approved, the new rates will be implemented by the City starting April 2006.

Richard C. Prima, Jr.
Public Works Director

Prepared by Rebecca Areida, Management Analyst
RCP/RA/pmf
Attachments
cc: Thom Sanchez, Central Valley Waste Services
Steve Mann, Information Systems Division Manager

APPROVED: _____
Blair King, City Manager



Central Valley Waste Services

1333 E. Turner Road
P.O. Box 241001
Lodi, California 95241-9501

(209) 369-8274 • (209) 369-6894 Fax

January 26, 2006

Mr. Richard Prima
Public Works Director
City of Lodi
221 W. Pine Street
Lodi, CA 95240

SUBJECT: REFUSE RATE ADJUSTMENT, EFFECTIVE APRIL 1, 2006

Dear Mr. Prima,

Central Valley Waste Services (CVWS) respectfully requests the implementation of the rate adjustments pursuant to the terms of the existing Agreement between the City of Lodi and Central Valley Waste Services, Section 7, RATES, c and f, at page 8 of 19.

The total rate adjustment requested for 2006-2007, including CPI, landfill gate fees and extraordinary fuel increases is **3.02%**.

The CPI increase for 2006-2007 equals **1.56%** or 80% of the Consumer Price Index (CPI), San Francisco-Oakland-San Jose, CA.

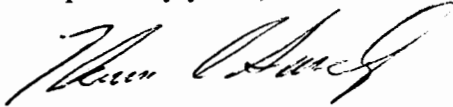
In addition, pursuant to the contract, we are requesting rate adjustments due to the extraordinary landfill and fuel increases we have incurred over the past two years. On March 17, 2003, the San Joaquin County Board of Supervisors adopted a resolution that allows an automatic annual adjustment to San Joaquin County's Solid Waste facility gate fees on January 1 of each year. Consequently, the County Director of Public Works adjusted the landfill gate fees at North County Landfill effective January 1, 2005 and once again on January 1, 2006. You may recall that we elected to postpone the 2005 gate fee adjustment until the full impact of the gate fee increase was realized. Specifically, for presorted waste the gate fee has increased from \$27.00 to \$29.20 per ton and for non-sorted waste the gate fee increased from \$32.00 to \$34.61. The impact of these gate fee increases is projected at \$67,000 for 2005 and 2006. The disposal cost increase will increase the residential and commercial refuse rates by an additional **0.92%**.

With regards to the fuel adjustment, we are requesting an additional **0.54%** to recover the cost of this extraordinary expense for 2006.

Attached for your review, please find the CPI index, copies of the letters and supporting calculations regarding the landfill increased gate fees for 2005 and 2006, Extraordinary Cost Adjustment Calculation for fuel and all 2006-2007 Refuse Rate Schedules and Exhibits.

If there are any questions, please do not hesitate to call me at 209 333-5610 (direct office line) or 209 481-0161 (cellular).

Respectfully yours,

A handwritten signature in black ink, appearing to read "Thomas A. Sanchez", written in a cursive style.

Thomas A. Sanchez
Market Area, Director of Business Development

Attachments

cc: Blair King, City Manager
Alex Oseguera, Market Area Vice-President and General Manager/ WM



THOMAS R. FLINN
DIRECTOR



P. O. BOX 1810 - 1810 E. HAZELTON AVENUE
STOCKTON, CALIFORNIA 95201-3818
(209) 466-3000 FAX (209) 466-2888
www.co.san-joaquin.ca.us

THOMAS N. GAU
DEPUTY DIRECTOR

MANUEL SOLDRIO
DEPUTY DIRECTOR

STEVEN WINKLER
DEPUTY DIRECTOR

BENTON ANGDOVE
BUSINESS ADMINISTRATOR

December 15, 2004

Central Valley Waste Services
1333 East Turner Road
Lodi, California 95240

SUBJECT: YEAR 2005 RESIDENTIAL REFUSE COLLECTION RATES

Dear Central Valley Waste Services:

In 2003, the Board of Supervisors adopted a resolution that allows an automatic annual adjustment on January 1 of each year, to San Joaquin County's solid waste facility gate fees. The fee increase is tied to the average annual change in the construction cost index and the skilled labor index, as reported in each September issue of the Engineering News-Record, for the immediately preceding 12-month period. This year's calculated increase was 5.5 percent, but the same Board resolution referred to above, allows the Director of Public Works to adjust such gate fees downward, if warranted. Consequently, this year's increase will only be 4.0 percent.

Effective January 1, 2005, the new disposal rates for weighed waste are as follows:

Loveland Transfer Station & Recycling Center	\$43.16 per ton
North County Recycling Center & Sanitary Landfill	\$28.08 per ton - Presorted
Foothill Sanitary Landfill	\$33.28 per ton - Non-sorted
	\$26.00 per ton

The County's Franchised Refuse Collection Agreements require corresponding rate adjustments for residential refuse collection services when disposal site fees are adjusted. These are "adjusted by multiplying the amount of the per ton gate fee increase by 0.12 and rounded to the nearest one cent, to arrive at the amount of the residential rate increase allowed per month per 35 gallon container service, and proportionately for larger sized containers."

And annually, rates for residential collection are adjusted upward or downward based on the Construction Cost Index as reported in the Engineering News Record. This index increased 8.0 percent for the twelve-month period ending September 30, 2004.

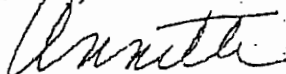
Based on these requirements, the attached Rate Schedule shows the maximum monthly residential refuse collection rates which will become effective January 1, 2005. Should you choose to modify your rates, our Agreement requires you to notify your customers in writing at least two weeks prior to implementing the new rates.

Central Valley Waste Services -2-
YEAR 2005 RESIDENTIAL REFUSE COLLECTION RATES

Please fax us your notice immediately, for review and approval prior to distribution related to your company's residential refuse collection rates that will be in effect in San Joaquin County for the year 2005. A sample letter is attached. Our fax number is 468-3078.

If you have any questions, please contact Michael Hoberg, Management Analyst III, at 468-3066.

Sincerely,



ANNETTE BORGES
Integrated Waste Manager

AB:MH:mr
M:\Mandatory\2005 RATES\Sunset

Attachments

c: Michael Hoberg, Management Analyst III

CA 10041



THOMAS R. FLINN
DIRECTOR

THOMAS M. GAU
DEPUTY DIRECTOR

MANUEL SOLORIO
DEPUTY DIRECTOR

STEVEN WINKLER
DEPUTY DIRECTOR

ROGER JANES
BUSINESS ADMINISTRATOR



P. O. BOX 1810 - 1810 E. HAZELTON AVENUE
STOCKTON, CALIFORNIA 95201-3018
(209) 468-3000 FAX (209) 468-2999
www.sjgov.org

December 5, 2005

Mr. Pat Fenton
Waste Management
Central Valley Waste Services
Post Office Box 241001
Lodi, California 95241-9501

SUBJECT: YEAR 2006 RESIDENTIAL REFUSE COLLECTION RATES

Dear Pat:

In 2003, the Board of Supervisors adopted a resolution that allows an automatic annual adjustment on January 1 of each year to San Joaquin County's solid waste facility gate fees. The fee adjustment is calculated by using the average annual percent change in the construction cost index and the skilled labor index, as reported in each September issue of the Engineering News Record, for the immediately preceding 12-month period. This year's annual change was an increase of 4.0 percent.

Consequently, effective January 1, 2006, the new per ton disposal rates for weighed waste are as follows:

	2005 <u>Rate</u>	4.0 % <u>Increase</u>	2006 <u>Rate</u>
Loveland Transfer Station & Materials Recovery Facility	\$43.16	\$1.73	\$44.89
North County Recycling (Pre-sorted)	\$28.08	\$1.12	\$29.20
Center & Sanitary Landfill (Non-sorted)	\$33.28	\$1.33	\$34.61
Foothill Sanitary Landfill (Solid Waste)	\$26.00	\$1.04	\$27.04
(Waste requiring special handling)	\$30.16	\$1.21	\$31.37

The County's Franchised Refuse Collection Agreements require corresponding rate adjustments for residential refuse collection services when disposal site fees are adjusted. These are "adjusted by multiplying the amount of the per ton gate fee increase by 0.12 and rounded to the nearest one cent, to arrive at the amount of the residential rate increase allowed per month per 35 gallon container service, and proportionately for larger sized containers."

In addition, rates for residential collection are adjusted upward or downward based on the Construction Cost Index as reported in the Engineering News Record. This index increased 3.3 percent for the twelve-month period ending September 30, 2005.

Mr. Pat Fenton

-2-

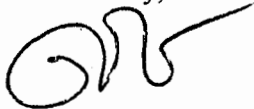
YEAR 2006 RESIDENTIAL REFUSE COLLECTION RATES

Based on these requirements, the attached Rate Schedule shows the maximum monthly residential refuse collection rates, which will become effective January 1, 2006. Should you choose to modify your rates, our Agreement requires you to notify your customers in writing at least two weeks prior to implementing the new rates.

Please fax us your notice immediately for review and approval prior to distribution related to your company's residential refuse collection rates that will be in effect in San Joaquin County for the year 2006. A sample letter is attached. Our fax number is 468-3078.

If you have any questions, please contact Steve Carter, Management Analyst II, at 468-3066.

Sincerely,



DESI RENO

Integrated Waste Manager

DR:SC:sc

M:\Steve\CASHIER\New Rates\2006 Jan\Ltr 1 Coll Rate Increase 01-06.doc

Attachments

c: Steve Carter, Management Analyst II

CA 10041A

EXHIBIT "A"
CITY OF LODI
MULTI-CART CURBSIDE REFUSE RATES
EFFECTIVE APRIL 1, 2006 THROUGH MARCH 31, 2007

	Current Rate Per Month	New Rate Per Month	Low Income Discount	
			<u>10%</u>	<u>30%</u>
<u>1. 38 GALLON REFUSE CART 1X PER WEEK**</u>				
1 Refuse Cart	\$ 19.98	\$ 20.57	\$ 18.51	\$ 14.40
2 Refuse Carts	\$ 49.92	\$ 51.38	\$ 46.24	\$ 35.97
3 Refuse Carts	\$ 79.87	\$ 82.21	\$ 73.99	\$ 57.55
4 Refuse Carts	\$ 109.83	\$ 113.05	\$ 101.75	\$ 79.14
<u>2. 64 GALLON REFUSE CART 1X PER WEEK**</u>				
1 Refuse Cart	\$ 30.04	\$ 30.92	\$ 27.83	\$ 21.64
2 Refuse Carts	\$ 75.08	\$ 77.27	\$ 69.54	\$ 54.09
3 Refuse Carts	\$ 120.12	\$ 123.63	\$ 111.27	\$ 86.54
<u>3. 96 GALLON WASTE CART 1X PER WEEK**</u>				
1 Refuse Cart	\$ 65.51	\$ 67.42	\$ 60.68	\$ 47.19
2 Refuse Carts	\$ 131.03	\$ 134.86	\$ 121.37	\$ 94.40
3 Refuse Carts	\$ 196.53	\$ 202.28	\$ 182.05	\$ 141.60
<u>4. DUPLEX AND MULTI-FAMILY, AND MOBILE HOMES</u>				
Monthly rate is reduced one (1) dollar from above	\$ (1.00)	\$ (1.00)	\$ (1.00)	\$ (1.00)
<u>5. LOW VOLUME USER 1X PER WEEK****</u>				
One (1) - 20 Gallon Low Volume Refuse Cart	\$ 13.59	\$ 13.99	\$ 12.59	\$ 9.79
<u>7. ADDITIONAL 64 GALLON RECYCLING CARTS</u>				
Second and Third Recycling Cart	No Add'l Charge	No Add'l Charge		
Fourth and Each Additional Cart	\$ 10.76	\$ 11.08		
<u>8. ADDITIONAL 96 GALLON YARD AND GARDEN CARTS</u>				
Second and Third Yard and Garden Cart	No Add'l Charge	No Add'l Charge		
Fourth and Each Additional Yard and Garden Cart	\$ 10.76	\$ 11.08		
<u>9. BACK YARD SERVICE****</u>				
Monthly service charge	\$ 11.06	\$ 11.38		
Qualified Disabled	No Add'l Charge	No Add'l Charge		

Notes:

****Eligible for City Utility Discount Program**

******Applies to Single Family Dwellings Only**

EXHIBIT "B"
CITY OF LODI
CONTAINER RATES
EFFECTIVE APRIL 1, 2006 THROUGH MARCH 31, 2007

WEEKLY SERVICE - ONE (1) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 107.47	\$ 199.94	\$ 458.14	\$ 826.79	\$ 1,305.92	\$ 1,895.53
2	\$ 170.74	\$ 311.51	\$ 651.12	\$ 1,123.32	\$ 1,728.09	\$ 2,465.38
3	\$ 234.01	\$ 423.07	\$ 844.13	\$ 1,419.85	\$ 2,150.22	\$ 3,035.25
4	\$ 297.28	\$ 534.63	\$ 1,037.11	\$ 1,716.36	\$ 2,572.36	\$ 3,605.12
5	\$ 360.56	\$ 646.20	\$ 1,230.12	\$ 2,012.90	\$ 2,994.52	\$ 4,175.00
6	\$ 423.83	\$ 757.76	\$ 1,423.10	\$ 2,309.42	\$ 3,416.65	\$ 4,744.85
7	\$ 487.11	\$ 869.35	\$ 1,616.13	\$ 2,605.95	\$ 3,838.80	\$ 5,314.71
8	\$ 550.37	\$ 980.90	\$ 1,809.12	\$ 2,902.45	\$ 4,260.96	\$ 5,884.58
9	\$ 613.65	\$ 1,092.46	\$ 2,002.12	\$ 3,199.00	\$ 4,683.11	\$ 6,454.45
10	\$ 676.92	\$ 1,204.02	\$ 2,195.11	\$ 3,495.52	\$ 5,105.24	\$ 7,024.30

WEEKLY SERVICE - TWO (2) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 156.58	\$ 295.14	\$ 610.75	\$ 1,044.37	\$ 1,596.01	\$ 2,265.67
2	\$ 265.93	\$ 495.88	\$ 938.25	\$ 1,522.27	\$ 2,247.88	\$ 3,115.14
3	\$ 375.29	\$ 696.61	\$ 1,265.78	\$ 2,000.17	\$ 2,899.76	\$ 3,964.61
4	\$ 484.63	\$ 897.36	\$ 1,593.29	\$ 2,478.03	\$ 3,551.64	\$ 4,814.08
5	\$ 594.00	\$ 1,098.06	\$ 1,920.80	\$ 2,955.94	\$ 4,203.51	\$ 5,663.55
6	\$ 703.35	\$ 1,298.81	\$ 2,248.27	\$ 3,433.85	\$ 4,855.41	\$ 6,513.01
7	\$ 812.73	\$ 1,499.55	\$ 2,575.82	\$ 3,911.74	\$ 5,507.28	\$ 7,362.48
8	\$ 922.06	\$ 1,700.29	\$ 2,903.33	\$ 4,389.61	\$ 6,159.15	\$ 8,211.94
9	\$ 1,031.44	\$ 1,901.02	\$ 3,230.84	\$ 4,867.51	\$ 6,810.30	\$ 9,061.40
10	\$ 1,140.78	\$ 2,101.73	\$ 3,558.35	\$ 5,345.41	\$ 7,464.03	\$ 9,910.87

EXHIBIT "B"
CITY OF LODI
CONTAINER RATES
EFFECTIVE APRIL 1, 2006 THROUGH MARCH 31, 2007

WEEKLY SERVICE - THREE (3) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 199.36	\$ 377.72	\$ 733.10	\$ 1,206.50	\$ 1,797.93	\$ 2,507.36
2	\$ 351.49	\$ 661.00	\$ 1,182.97	\$ 1,846.53	\$ 2,651.71	\$ 3,598.54
3	\$ 503.62	\$ 944.32	\$ 1,632.83	\$ 2,486.55	\$ 3,505.53	\$ 4,689.71
4	\$ 655.74	\$ 1,227.58	\$ 2,082.67	\$ 3,126.58	\$ 4,359.32	\$ 5,780.90
5	\$ 807.88	\$ 1,510.89	\$ 2,532.53	\$ 3,766.63	\$ 5,213.16	\$ 6,872.06
6	\$ 960.03	\$ 1,794.17	\$ 2,982.39	\$ 4,406.63	\$ 6,066.92	\$ 7,963.23
7	\$ 1,112.14	\$ 2,077.12	\$ 3,432.25	\$ 5,046.67	\$ 6,920.70	\$ 9,054.42
8	\$ 1,264.29	\$ 2,360.75	\$ 3,882.11	\$ 5,686.70	\$ 7,774.54	\$ 10,145.61
9	\$ 1,416.41	\$ 2,644.05	\$ 4,331.98	\$ 6,326.72	\$ 8,628.32	\$ 11,236.77
10	\$ 1,568.55	\$ 2,927.34	\$ 4,781.83	\$ 6,966.75	\$ 9,482.11	\$ 12,327.93

WEEKLY SERVICE - FOUR (4) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 242.14	\$ 460.27	\$ 855.46	\$ 1,368.66	\$ 1,999.87	\$ 2,749.09
2	\$ 437.06	\$ 826.15	\$ 1,427.67	\$ 2,170.82	\$ 3,055.59	\$ 4,081.98
3	\$ 631.96	\$ 1,192.03	\$ 1,999.89	\$ 2,973.00	\$ 4,111.32	\$ 5,414.87
4	\$ 826.90	\$ 1,557.89	\$ 2,572.11	\$ 3,775.18	\$ 5,167.06	\$ 6,747.75
5	\$ 1,021.80	\$ 1,923.75	\$ 3,144.33	\$ 4,577.34	\$ 6,222.80	\$ 8,080.66
6	\$ 1,216.73	\$ 2,289.62	\$ 3,716.55	\$ 5,379.52	\$ 7,278.51	\$ 9,413.53
7	\$ 1,411.66	\$ 2,655.50	\$ 4,288.78	\$ 6,181.70	\$ 8,334.24	\$ 10,746.45
8	\$ 1,606.59	\$ 3,021.36	\$ 4,860.99	\$ 6,983.85	\$ 9,389.97	\$ 12,079.32
9	\$ 1,801.50	\$ 3,387.24	\$ 5,433.20	\$ 7,786.05	\$ 10,445.72	\$ 13,412.21
10	\$ 1,996.44	\$ 3,753.09	\$ 6,005.42	\$ 8,588.19	\$ 11,501.45	\$ 14,745.12

EXHIBIT "B"
CITY OF LODI
CONTAINER RATES
EFFECTIVE APRIL 1, 2006 THROUGH MARCH 31, 2007

WEEKLY SERVICE - FIVE (5) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 284.91	\$ 542.87	\$ 977.82	\$ 1,530.79	\$ 2,201.80	\$ 2,990.81
2	\$ 522.62	\$ 991.28	\$ 1,672.40	\$ 2,495.12	\$ 3,459.46	\$ 4,565.39
3	\$ 760.32	\$ 1,439.74	\$ 2,366.97	\$ 3,459.44	\$ 4,717.13	\$ 6,140.03
4	\$ 998.03	\$ 1,888.17	\$ 3,061.55	\$ 4,423.76	\$ 5,974.78	\$ 7,714.64
5	\$ 1,235.76	\$ 2,336.63	\$ 3,756.13	\$ 5,388.07	\$ 7,232.43	\$ 9,289.25
6	\$ 1,473.46	\$ 2,785.06	\$ 4,450.72	\$ 6,352.39	\$ 8,490.09	\$ 10,863.84
7	\$ 1,711.18	\$ 3,233.49	\$ 5,145.29	\$ 7,316.72	\$ 9,747.76	\$ 12,438.44
8	\$ 1,948.87	\$ 3,681.94	\$ 5,839.86	\$ 8,281.04	\$ 11,005.41	\$ 14,013.06
9	\$ 2,186.59	\$ 4,130.38	\$ 6,534.43	\$ 9,245.35	\$ 12,263.08	\$ 15,587.68
10	\$ 2,424.31	\$ 4,578.82	\$ 7,229.01	\$ 10,209.67	\$ 13,520.72	\$ 17,162.29

WEEKLY SERVICE - SIX (6) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 327.68	\$ 625.41	\$ 1,100.18	\$ 1,692.92	\$ 2,403.72	\$ 3,232.52
2	\$ 608.17	\$ 1,156.42	\$ 1,917.09	\$ 2,819.38	\$ 3,863.29	\$ 5,048.82
3	\$ 888.67	\$ 1,687.42	\$ 2,734.03	\$ 3,945.84	\$ 5,322.87	\$ 6,865.16
4	\$ 1,169.15	\$ 2,218.41	\$ 3,550.94	\$ 5,072.29	\$ 6,782.45	\$ 8,681.46
5	\$ 1,449.63	\$ 2,749.41	\$ 4,367.86	\$ 6,198.74	\$ 8,242.04	\$ 10,497.77
6	\$ 1,730.11	\$ 3,280.45	\$ 5,184.81	\$ 7,325.20	\$ 9,701.62	\$ 12,314.10
7	\$ 2,010.61	\$ 3,811.45	\$ 6,001.72	\$ 8,451.64	\$ 11,161.21	\$ 14,130.41
8	\$ 2,291.08	\$ 4,342.46	\$ 6,818.64	\$ 9,578.10	\$ 12,620.78	\$ 15,946.72
9	\$ 2,571.58	\$ 4,873.44	\$ 7,635.59	\$ 10,704.55	\$ 14,080.37	\$ 17,763.03
10	\$ 2,852.07	\$ 5,404.44	\$ 8,452.50	\$ 11,831.00	\$ 15,539.96	\$ 19,579.37

EXHIBIT "C"
CITY OF LODI
10 TO 50 CUBIC YARD CONTAINERS
RATE STRUCTURE
EFFECTIVE APRIL 1, 2006 THROUGH MARCH 31, 2007

	CURRENT RATES		NEW RATES	
<u>PERMANENT HIGH FREQUENCY ROLL-OFF RATES</u>				
1. Drop-off and Pick-up Charge Per Box	\$	138.51	\$	142.56
2. Weighed Tons Disposed/Box X Processing Charge	\$	31.19	\$	32.10
3. Franchise Fee (4.8% of 1+2)	\$	-	\$	-
TOTAL BILL (1+2+3)				
<u>ONE-TIME TEMPORARY USER ROLL-OFF RATES</u>				
1. Drop/off/Pick-up Charge Per Box	\$	175.78	\$	180.92
2. Tons Disposed/Box X Processing Charge (Average of five (5) tons charged per Box)	\$	31.19	\$	32.10
3. Franchise Fee (4.8% of 1+2)	\$	-	\$	-
TOTAL BILL (1+2+3)				

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY
COUNCIL APPROVING NEW RATES FOR
SOLID WASTE COLLECTION

=====

WHEREAS, pursuant to Lodi Municipal Code Chapter 13.16.110 (Ordinance No. 1709), the schedule of rates for solid waste collection shall be established and adopted by the City Council from time to time by Resolution; and

WHEREAS, pursuant to Lodi Municipal Code Chapter 13.16 – Solid Waste – as it relates to solid waste collection, new monthly rates are hereby established, as more fully shown on Exhibits A, B, and C attached hereto, which is incorporated by reference as if fully set forth herein.

NOW, THEREFORE, BE IT RESOLVED that all of the rate schedules attached marked Exhibit A, B, and C shall be effective on all bills which are prepared on or after April 1, 2006; and

BE IT FURTHER RESOLVED that, following adoption, this Resolution shall be published one time in the “Lodi News Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi.

Dated: March 15, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the Lodi City Council in a regular meeting held March 15, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2006-_____

EXHIBIT "A"
CITY OF LODI
MULTI-CART CURBSIDE REFUSE RATES
EFFECTIVE APRIL 1, 2006 THROUGH MARCH 31, 2007

	Current Rate Per Month	New Rate Per Month	Low Income Discount	
			<u>10%</u>	<u>30%</u>
<u>1. 38 GALLON REFUSE CART 1X PER WEEK**</u>				
1 Refuse Cart	\$ 19.98	\$ 20.57	\$ 18.51	\$ 14.40
2 Refuse Carts	\$ 49.92	\$ 51.38	\$ 46.24	\$ 35.97
3 Refuse Carts	\$ 79.87	\$ 82.21	\$ 73.99	\$ 57.55
4 Refuse Carts	\$ 109.83	\$ 113.05	\$ 101.75	\$ 79.14
<u>2. 64 GALLON REFUSE CART 1X PER WEEK**</u>				
1 Refuse Cart	\$ 30.04	\$ 30.92	\$ 27.83	\$ 21.64
2 Refuse Carts	\$ 75.08	\$ 77.27	\$ 69.54	\$ 54.09
3 Refuse Carts	\$ 120.12	\$ 123.63	\$ 111.27	\$ 86.54
<u>3. 96 GALLON WASTE CART 1X PER WEEK**</u>				
1 Refuse Cart	\$ 65.51	\$ 67.42	\$ 60.68	\$ 47.19
2 Refuse Carts	\$ 131.03	\$ 134.86	\$ 121.37	\$ 94.40
3 Refuse Carts	\$ 196.53	\$ 202.28	\$ 182.05	\$ 141.60
<u>4. DUPLEX AND MULTI-FAMILY, AND MOBILE HOMES</u>				
Monthly rate is reduced one (1) dollar from above	\$ (1.00)	\$ (1.00)	\$ (1.00)	\$ (1.00)
<u>5. LOW VOLUME USER 1X PER WEEK****</u>				
One (1) - 20 Gallon Low Volume Refuse Cart	\$ 13.59	\$ 13.99	\$ 12.59	\$ 9.79
<u>7. ADDITIONAL 64 GALLON RECYCLING CARTS</u>				
Second and Third Recycling Cart	No Add'l Charge	No Add'l Charge		
Fourth and Each Additional Cart	\$ 10.76	\$ 11.08		
<u>8. ADDITIONAL 96 GALLON YARD AND GARDEN CARTS</u>				
Second and Third Yard and Garden Cart	No Add'l Charge	No Add'l Charge		
Fourth and Each Additional Yard and Garden Cart	\$ 10.76	\$ 11.08		
<u>9. BACK YARD SERVICE****</u>				
Monthly service charge	\$ 11.06	\$ 11.38		
Qualified Disabled	No Add'l Charge	No Add'l Charge		

Notes:

****Eligible for City Utility Discount Program**

******Applies to Single Family Dwellings Only**

EXHIBIT "B"
CITY OF LODI
CONTAINER RATES
EFFECTIVE APRIL 1, 2006 THROUGH MARCH 31, 2007

WEEKLY SERVICE - ONE (1) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 107.47	\$ 199.94	\$ 458.14	\$ 826.79	\$ 1,305.92	\$ 1,895.53
2	\$ 170.74	\$ 311.51	\$ 651.12	\$ 1,123.32	\$ 1,728.09	\$ 2,465.38
3	\$ 234.01	\$ 423.07	\$ 844.13	\$ 1,419.85	\$ 2,150.22	\$ 3,035.25
4	\$ 297.28	\$ 534.63	\$ 1,037.11	\$ 1,716.36	\$ 2,572.36	\$ 3,605.12
5	\$ 360.56	\$ 646.20	\$ 1,230.12	\$ 2,012.90	\$ 2,994.52	\$ 4,175.00
6	\$ 423.83	\$ 757.76	\$ 1,423.10	\$ 2,309.42	\$ 3,416.65	\$ 4,744.85
7	\$ 487.11	\$ 869.35	\$ 1,616.13	\$ 2,605.95	\$ 3,838.80	\$ 5,314.71
8	\$ 550.37	\$ 980.90	\$ 1,809.12	\$ 2,902.45	\$ 4,260.96	\$ 5,884.58
9	\$ 613.65	\$ 1,092.46	\$ 2,002.12	\$ 3,199.00	\$ 4,683.11	\$ 6,454.45
10	\$ 676.92	\$ 1,204.02	\$ 2,195.11	\$ 3,495.52	\$ 5,105.24	\$ 7,024.30

WEEKLY SERVICE - TWO (2) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 156.58	\$ 295.14	\$ 610.75	\$ 1,044.37	\$ 1,596.01	\$ 2,265.67
2	\$ 265.93	\$ 495.88	\$ 938.25	\$ 1,522.27	\$ 2,247.88	\$ 3,115.14
3	\$ 375.29	\$ 696.61	\$ 1,265.78	\$ 2,000.17	\$ 2,899.76	\$ 3,964.61
4	\$ 484.63	\$ 897.36	\$ 1,593.29	\$ 2,478.03	\$ 3,551.64	\$ 4,814.08
5	\$ 594.00	\$ 1,098.06	\$ 1,920.80	\$ 2,955.94	\$ 4,203.51	\$ 5,663.55
6	\$ 703.35	\$ 1,298.81	\$ 2,248.27	\$ 3,433.85	\$ 4,855.41	\$ 6,513.01
7	\$ 812.73	\$ 1,499.55	\$ 2,575.82	\$ 3,911.74	\$ 5,507.28	\$ 7,362.48
8	\$ 922.06	\$ 1,700.29	\$ 2,903.33	\$ 4,389.61	\$ 6,159.15	\$ 8,211.94
9	\$ 1,031.44	\$ 1,901.02	\$ 3,230.84	\$ 4,867.51	\$ 6,810.30	\$ 9,061.40
10	\$ 1,140.78	\$ 2,101.73	\$ 3,558.35	\$ 5,345.41	\$ 7,464.03	\$ 9,910.87

EXHIBIT "B"
CITY OF LODI
CONTAINER RATES
EFFECTIVE APRIL 1, 2006 THROUGH MARCH 31, 2007

WEEKLY SERVICE - THREE (3) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 199.36	\$ 377.72	\$ 733.10	\$ 1,206.50	\$ 1,797.93	\$ 2,507.36
2	\$ 351.49	\$ 661.00	\$ 1,182.97	\$ 1,846.53	\$ 2,651.71	\$ 3,598.54
3	\$ 503.62	\$ 944.32	\$ 1,632.83	\$ 2,486.55	\$ 3,505.53	\$ 4,689.71
4	\$ 655.74	\$ 1,227.58	\$ 2,082.67	\$ 3,126.58	\$ 4,359.32	\$ 5,780.90
5	\$ 807.88	\$ 1,510.89	\$ 2,532.53	\$ 3,766.63	\$ 5,213.16	\$ 6,872.06
6	\$ 960.03	\$ 1,794.17	\$ 2,982.39	\$ 4,406.63	\$ 6,066.92	\$ 7,963.23
7	\$ 1,112.14	\$ 2,077.12	\$ 3,432.25	\$ 5,046.67	\$ 6,920.70	\$ 9,054.42
8	\$ 1,264.29	\$ 2,360.75	\$ 3,882.11	\$ 5,686.70	\$ 7,774.54	\$ 10,145.61
9	\$ 1,416.41	\$ 2,644.05	\$ 4,331.98	\$ 6,326.72	\$ 8,628.32	\$ 11,236.77
10	\$ 1,568.55	\$ 2,927.34	\$ 4,781.83	\$ 6,966.75	\$ 9,482.11	\$ 12,327.93

WEEKLY SERVICE - FOUR (4) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 242.14	\$ 460.27	\$ 855.46	\$ 1,368.66	\$ 1,999.87	\$ 2,749.09
2	\$ 437.06	\$ 826.15	\$ 1,427.67	\$ 2,170.82	\$ 3,055.59	\$ 4,081.98
3	\$ 631.96	\$ 1,192.03	\$ 1,999.89	\$ 2,973.00	\$ 4,111.32	\$ 5,414.87
4	\$ 826.90	\$ 1,557.89	\$ 2,572.11	\$ 3,775.18	\$ 5,167.06	\$ 6,747.75
5	\$ 1,021.80	\$ 1,923.75	\$ 3,144.33	\$ 4,577.34	\$ 6,222.80	\$ 8,080.66
6	\$ 1,216.73	\$ 2,289.62	\$ 3,716.55	\$ 5,379.52	\$ 7,278.51	\$ 9,413.53
7	\$ 1,411.66	\$ 2,655.50	\$ 4,288.78	\$ 6,181.70	\$ 8,334.24	\$ 10,746.45
8	\$ 1,606.59	\$ 3,021.36	\$ 4,860.99	\$ 6,983.85	\$ 9,389.97	\$ 12,079.32
9	\$ 1,801.50	\$ 3,387.24	\$ 5,433.20	\$ 7,786.05	\$ 10,445.72	\$ 13,412.21
10	\$ 1,996.44	\$ 3,753.09	\$ 6,005.42	\$ 8,588.19	\$ 11,501.45	\$ 14,745.12

EXHIBIT "B"
CITY OF LODI
CONTAINER RATES
EFFECTIVE APRIL 1, 2006 THROUGH MARCH 31, 2007

WEEKLY SERVICE - FIVE (5) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 284.91	\$ 542.87	\$ 977.82	\$ 1,530.79	\$ 2,201.80	\$ 2,990.81
2	\$ 522.62	\$ 991.28	\$ 1,672.40	\$ 2,495.12	\$ 3,459.46	\$ 4,565.39
3	\$ 760.32	\$ 1,439.74	\$ 2,366.97	\$ 3,459.44	\$ 4,717.13	\$ 6,140.03
4	\$ 998.03	\$ 1,888.17	\$ 3,061.55	\$ 4,423.76	\$ 5,974.78	\$ 7,714.64
5	\$ 1,235.76	\$ 2,336.63	\$ 3,756.13	\$ 5,388.07	\$ 7,232.43	\$ 9,289.25
6	\$ 1,473.46	\$ 2,785.06	\$ 4,450.72	\$ 6,352.39	\$ 8,490.09	\$ 10,863.84
7	\$ 1,711.18	\$ 3,233.49	\$ 5,145.29	\$ 7,316.72	\$ 9,747.76	\$ 12,438.44
8	\$ 1,948.87	\$ 3,681.94	\$ 5,839.86	\$ 8,281.04	\$ 11,005.41	\$ 14,013.06
9	\$ 2,186.59	\$ 4,130.38	\$ 6,534.43	\$ 9,245.35	\$ 12,263.08	\$ 15,587.68
10	\$ 2,424.31	\$ 4,578.82	\$ 7,229.01	\$ 10,209.67	\$ 13,520.72	\$ 17,162.29

WEEKLY SERVICE - SIX (6) CUBIC YARD CONTAINER

# OF CONTAINERS	1 X WK	2 X WK	3 X WK	4 X WK	5 X WK	6 X WK
1	\$ 327.68	\$ 625.41	\$ 1,100.18	\$ 1,692.92	\$ 2,403.72	\$ 3,232.52
2	\$ 608.17	\$ 1,156.42	\$ 1,917.09	\$ 2,819.38	\$ 3,863.29	\$ 5,048.82
3	\$ 888.67	\$ 1,687.42	\$ 2,734.03	\$ 3,945.84	\$ 5,322.87	\$ 6,865.16
4	\$ 1,169.15	\$ 2,218.41	\$ 3,550.94	\$ 5,072.29	\$ 6,782.45	\$ 8,681.46
5	\$ 1,449.63	\$ 2,749.41	\$ 4,367.86	\$ 6,198.74	\$ 8,242.04	\$ 10,497.77
6	\$ 1,730.11	\$ 3,280.45	\$ 5,184.81	\$ 7,325.20	\$ 9,701.62	\$ 12,314.10
7	\$ 2,010.61	\$ 3,811.45	\$ 6,001.72	\$ 8,451.64	\$ 11,161.21	\$ 14,130.41
8	\$ 2,291.08	\$ 4,342.46	\$ 6,818.64	\$ 9,578.10	\$ 12,620.78	\$ 15,946.72
9	\$ 2,571.58	\$ 4,873.44	\$ 7,635.59	\$ 10,704.55	\$ 14,080.37	\$ 17,763.03
10	\$ 2,852.07	\$ 5,404.44	\$ 8,452.50	\$ 11,831.00	\$ 15,539.96	\$ 19,579.37

EXHIBIT "C"
CITY OF LODI
10 TO 50 CUBIC YARD CONTAINERS
RATE STRUCTURE
EFFECTIVE APRIL 1, 2006 THROUGH MARCH 31, 2007

	CURRENT RATES		NEW RATES	
<u>PERMANENT HIGH FREQUENCY ROLL-OFF RATES</u>				
1. Drop-off and Pick-up Charge Per Box	\$	138.51	\$	142.56
2. Weighed Tons Disposed/Box X Processing Charge	\$	31.19	\$	32.10
3. Franchise Fee (4.8% of 1+2)	\$	-	\$	-
TOTAL BILL (1+2+3)				
<u>ONE-TIME TEMPORARY USER ROLL-OFF RATES</u>				
1. Drop/off/Pick-up Charge Per Box	\$	175.78	\$	180.92
2. Tons Disposed/Box X Processing Charge (Average of five (5) tons charged per Box)	\$	31.19	\$	32.10
3. Franchise Fee (4.8% of 1+2)	\$	-	\$	-
TOTAL BILL (1+2+3)				

PROOF OF PUBLICATION

(2015.5 C.C.C.P.)

STATE OF CALIFORNIA

County of San Joaquin

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily except Sundays and holidays, in the City of Lodi, California, County of San Joaquin and which newspaper had been adjudicated a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953. Case Number 65990; that the notice of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereto on the following dates to-wit:

February 22nd, March 1st

all in the year 2006.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 1st day of March 2006.

Diane Rosales
Signature

This space is for the County Clerk's Filing Stamp

Proof of Publication of
Special Notice of Public Hearing for March 1, 2006 for
the Resolution Increasing Rates for Solid Waste Collection
(as identified on Exhibits A, B, and C)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, March 15, 2006 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 905 West Pine Street, Lodi, to consider the following matter:

a) Resolution increasing rates for solid waste collection (as identified on Exhibits A, B, and C)

Information regarding this item may be obtained in the Public Works Department, 221 West Pine Street, Lodi, (209) 333-6706. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 W. Pine Street, 2nd Floor, Lodi, 95240 at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk at, or prior to, the public hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: February 15, 2006

Approved as to form:

D. Stephen Schwabauer
City Attorney

EXHIBIT A
CITY OF LODI
MULTI-CART CURBSIDE REFUSE RATE
EFFECTIVE APRIL 1, 2006 THROUGH MARCH 31, 2007

	Current Rate Per Month	New Rate Apr-06	10%	30%
1. 32 GALLON REFUSE CART 1X PER WEEK**				
1 Refuse Cart	\$19.98	\$20.58	\$18.52	\$14.41
2 Refuse Carts	\$49.92	\$51.43	\$46.29	\$36.00
3 Refuse Carts	\$79.87	\$82.30	\$74.07	\$57.61
4 Refuse Carts	\$109.83	\$113.16	\$101.84	\$79.21
2. 64 GALLON REFUSE CART 1X PER WEEK**				
1 Refuse Cart	\$30.04	\$30.95	\$27.86	\$21.67
2 Refuse Carts	\$75.08	\$77.36	\$69.62	\$54.15
3 Refuse Carts	\$120.12	\$123.75	\$111.36	\$86.63
3. 96 GALLON WASTE CART 1X PER WEEK**				
1 Refuse Cart	\$65.51	\$67.49	\$60.74	\$47.24
2 Refuse Carts	\$131.03	\$135.00	\$121.50	\$94.50
3 Refuse Carts	\$196.53	\$202.48	\$182.23	\$141.74
4. DUPLEX AND MULTI-FAMILY AND MOBILE HOMES				
Monthly rate is reduced from above base rates (\$1.00)		(\$1.00)	(\$1.00)	(\$1.00)
5. LOW VOLUME USER 1X PER WEEK***				
One (1) - 20 Gallon Low Volume Refuse Cart	\$13.59	\$13.99	\$12.59	\$9.79
6. ADDITIONAL 64 GALLON RECYCLING CARTS				
Second and Third Recycling Cart	No Additional Charge			
Fourth and Each Additional Cart	\$10.76	\$11.09		
7. ADDITIONAL 96 GALLON YARD AND GARDEN CARTS				
Second and Third Yard and Garden Cart	No Additional Charge			
Fourth and Each Additional Yard and Garden Cart	\$10.76	\$11.09		
8. BACKYARD SERVICE****				
Monthly service charge	\$11.25	\$11.39		
	No Additional Charge			

**EXHIBIT B
CITY OF LODI
CONTAINER RATES**

EFFECTIVE APRIL 1, 2006 THROUGH MARCH 31, 2007

WEEKLY SERVICE - ONE(1) CUBIC YARD CONTAINER

# OF CONTAINERS	1X WK	2X WK	3X WK	4X WK	5X WK	6X WK
1	\$107.56	\$ 200.12	\$ 458.55	\$827.56	\$1,307.12	\$1,897.26
2	\$170.90	\$ 311.78	\$ 651.72	\$1,124.35	\$1,729.66	\$2,467.64
3	\$ 234.24	\$ 423.45	\$ 844.89	\$1,421.16	\$2,152.19	\$3,038.03
4	\$297.55	\$ 535.12	\$1,038.07	\$1,717.91	\$2,574.72	\$3,508.41
5	\$360.88	\$ 646.79	\$1,231.24	\$2,014.74	\$2,997.26	\$4,178.81
6	\$424.20	\$ 758.47	\$1,424.41	\$2,311.53	\$3,419.77	\$4,749.19
7	\$487.56	\$ 870.15	\$1,617.59	\$2,608.33	\$3,842.31	\$5,319.55
8	\$550.89	\$ 981.75	\$1,810.78	\$2,905.10	\$4,264.84	\$5,889.95
9	\$614.21	\$1,093.46	\$2,003.95	\$3,201.83	\$4,687.39	\$6,460.35
10	\$677.55	\$1,205.11	\$2,197.11	\$3,496.70	\$5,109.90	\$7,030.70

WEEKLY SERVICE - TWO(2) CUBIC YARD CONTAINER

# OF CONTAINERS	1X WK	2XWK	3XWK	4X WK	5XWK	6X WK
1	\$156.72	\$295.41	\$611.31	\$1,045.33	\$1,597.46	\$2,267.75
2	\$266.18	\$496.34	\$939.10	\$1,523.66	\$2,249.93	\$3,117.97
3	\$375.64	\$697.23	\$1,266.94	\$2,002.00	\$2,902.41	\$3,966.23
4	\$485.08	\$898.16	\$1,594.74	\$2,480.29	\$3,554.87	\$4,818.48
5	\$494.53	\$1,099.06	\$1,922.54	\$2,958.64	\$4,207.36	\$5,665.72
6	\$703.99	\$1,299.98	\$2,250.34	\$3,437.00	\$4,859.84	\$6,515.96
7	\$813.46	\$1,500.91	\$2,578.17	\$3,915.30	\$5,512.29	\$7,369.19
8	\$922.91	\$1,701.84	\$2,905.98	\$4,393.63	\$6,164.78	\$8,219.43
9	\$1,032.38	\$1,902.75	\$3,233.80	\$4,871.95	\$6,816.52	\$9,069.68
10	\$1,141.84	\$2,103.64	\$3,561.59	\$5,350.28	\$7,470.85	\$9,919.91

**EXHIBIT B
CITY OF LODI
CONTAINER RATES**

EFFECTIVE APRIL 1, 2006 THROUGH MARCH 31, 2007

WEEKLY SERVICE - THREE(3) CUBIC YARD CONTAINER

# OF CONTAINERS	X1 WK	X2 WK	X3 WK	X4 WK	X5 WK	X6 WK
1	\$199.54	\$379.06	\$733.78	\$1,207.80	\$1,799.57	\$2,509.65
2	\$351.81	\$661.60	\$1,184.06	\$1,848.21	\$2,654.13	\$3,601.83
3	\$504.08	\$945.17	\$1,634.33	\$2,466.63	\$3,506.73	\$4,693.99
4	\$656.34	\$1,228.72	\$2,084.58	\$3,123.43	\$4,363.29	\$5,786.19
5	\$808.61	\$1,512.27	\$2,534.85	\$3,770.08	\$5,217.91	\$6,878.33
6	\$960.91	\$1,795.81	\$2,985.12	\$4,410.65	\$6,072.45	\$7,970.52
7	\$1,113.16	\$2,079.01	\$3,435.35	\$5,051.29	\$6,927.02	\$9,062.69
8	\$1,265.44	\$2,362.91	\$3,885.66	\$5,691.91	\$7,781.64	\$10,154.66
9	\$1,417.71	\$2,646.47	\$4,335.94	\$6,332.50	\$8,636.20	\$11,247.02
10	\$1,569.99	\$2,930.02	\$4,786.21	\$6,973.12	\$9,490.78	\$12,339.20

WEEKLY SERVICE - FOUR(4) CUBIC YARD CONTAINER

# OF CONTAINERS	X1 WK	X2 WK	X3 WK	X4 WK	X5 WK	X6 WK
1	\$242.35	\$460.70	\$859.24	\$1,366.91	\$2,001.69	\$2,751.61
2	\$437.44	\$826.89	\$1,428.97	\$2,172.79	\$3,058.38	\$4,085.71
3	\$632.54	\$1,193.12	\$2,001.79	\$2,975.72	\$4,115.08	\$5,419.61
4	\$827.66	\$1,559.30	\$2,574.46	\$3,779.62	\$5,171.76	\$6,763.92
5	\$1,022.74	\$1,925.51	\$3,147.20	\$4,581.53	\$6,226.49	\$8,088.03
6	\$1,217.84	\$2,291.70	\$3,719.95	\$5,384.42	\$7,265.16	\$9,422.14
7	\$1,412.96	\$2,657.93	\$4,292.70	\$6,187.34	\$8,341.86	\$10,756.26
8	\$1,608.06	\$3,024.11	\$4,865.43	\$6,990.23	\$9,398.55	\$12,080.36
9	\$1,803.14	\$3,390.33	\$5,438.17	\$7,793.17	\$10,455.24	\$13,424.48
10	\$1,998.25	\$3,756.50	\$6,010.91	\$8,596.04	\$11,511.94	\$14,758.58

**EXHIBIT B
CITY OF LODI
CONTAINER RATES**
EFFECTIVE APRIL 1, 2006 THROUGH MARCH 31, 2007

WEEKLY SERVICE FIVE(5) CUBIC YARD CONTAINER

# OF CONTAINERS	X1 WK	X2 WK	X3 WK	X4 WK	X5 WK	X6 WK
1	\$285.16	\$543.37	\$978.71	\$1,532.18	\$2,203.60	\$2,993.54
2	\$523.11	\$992.18	\$1,673.92	\$2,497.40	\$3,462.61	\$4,589.56
3	\$761.02	\$1,441.04	\$2,389.14	\$3,462.59	\$4,721.43	\$6,145.63
4	\$998.94	\$1,889.91	\$3,064.34	\$4,427.80	\$5,980.23	\$7,721.68
5	\$1,236.88	\$2,338.76	\$3,789.57	\$5,392.99	\$7,239.03	\$9,297.74
6	\$1,474.81	\$2,787.61	\$4,454.78	\$6,358.19	\$8,497.84	\$10,873.76
7	\$1,712.75	\$3,236.44	\$5,149.99	\$7,323.40	\$9,756.65	\$12,449.80
8	\$1,950.65	\$3,685.32	\$5,845.20	\$8,288.60	\$11,015.47	\$14,025.87
9	\$2,188.58	\$4,134.15	\$6,540.39	\$9,253.75	\$12,274.30	\$15,601.90
10	\$2,426.51	\$4,582.99	\$7,235.62	\$10,218.98	\$13,533.09	\$17,177.95

WEEKLY SERVICE - SIX(6) CUBIC YARD CONTAINER

# OF CONTAINERS	X1 WK	X2 WK	X3 WK	X4 WK	X5 WK	X6 WK
1	\$327.98	\$625.99	\$1,101.19	\$1,694.48	\$2,405.90	\$3,235.48
2	\$608.73	\$1,157.49	\$1,918.85	\$2,821.96	\$3,866.63	\$5,053.42
3	\$889.48	\$1,688.96	\$2,736.63	\$3,949.43	\$5,327.75	\$6,871.42
4	\$1,170.22	\$2,220.43	\$3,554.18	\$5,076.92	\$6,788.64	\$8,869.39
5	\$1,450.96	\$2,751.92	\$4,371.85	\$6,204.39	\$8,249.59	\$10,507.37
6	\$1,731.69	\$3,283.44	\$5,189.53	\$7,331.89	\$9,710.48	\$12,325.34
7	\$2,012.45	\$3,814.92	\$6,007.20	\$8,459.36	\$11,171.41	\$14,143.30
8	\$2,293.17	\$4,346.42	\$6,824.86	\$9,586.85	\$12,632.31	\$15,981.28
9	\$2,573.92	\$4,877.89	\$7,642.57	\$10,714.32	\$14,093.23	\$17,779.26
10	\$2,854.68	\$5,409.37	\$8,460.23	\$11,841.81	\$15,554.14	\$19,597.24

**EXHIBIT C
CITY OF LODI
10 TO 50 CUBIC YARD CONTAINERS
RATE STRUCTURE**

EFFECTIVE APRIL 1, 2006 THROUGH MARCH 31, 2007

	CURRENT RATES	NEW RATES
PERMANENT HIGH FREQUENCY ROLL-OFF RATES		
1. Drop-off and Pick-up Charge Per Box	\$ 138.51	\$ 142.71
2. Weighed Tons Disposed/Box X Processing Charge	31.19	32.14
3. Franchise Fee (4.8% of 1+2)	-	-
TOTAL BILL (1+2+3)		
ONE-TIME TEMPORARY USER ROLL-OFF RATES		
1. Drop-off and Pick-up Charge Per Box	\$ 175.78	\$ 181.11
2. Tons Disposed/Box X Processing Charge	31.19	32.14
(Average of five(5) tons charged per Box)		
3. Franchise Fee (4.8% of 1+2)	-	-
TOTAL BILL (1+2+3)		
February 22, March 1, 2006 - 05511437		



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: March 15, 2006

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, March 15, 2006** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Resolution increasing rates for solid waste collection (as identified on Exhibits A, B, and C)

Information regarding this item may be obtained in the Public Works Department, 221 West Pine Street, Lodi, (209) 333-6706. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 W. Pine Street, 2nd Floor, Lodi, 95240 at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk at, or prior to, the public hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: February 15, 2006

Approved as to form:

D. Stephen Schwabauer
City Attorney



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: SPECIAL NOTICE OF PUBLIC HEARING FOR March 15, 2006 for the
Resolution increasing rates for solid waste collection (as identified on Exhibits A, B, and C)

LEGAL AD

PUBLISH DATE: February 22, 2006 and March 1, 2006

TEAR SHEETS WANTED: Three (3) please

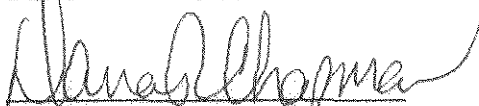
SEND AFFIDAVIT AND BILL TO: SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: February 17, 2006

ORDERED BY: SUSAN J. BLACKSTON
CITY CLERK

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK


DANA R. CHAPMAN
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS	Faxed to the Sentinel at 369-1084 at 11:55 AM (time) on 2/17/06 (date)	7 (pages)
	Phoned to confirm receipt of all pages at 4:00 PM (time)	JLT DRC JMP (initials)



DECLARATION OF POSTING

PUBLIC HEARING FOR March 15, 2006 Resolution increasing rates for solid waste collection (as Identified on Exhibits A, B, and C)

On Friday February 17, 2006, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing for a Resolution increasing rates for solid waste collection (as identified on Exhibits A, B, and C)

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 17, 2006, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON
CITY CLERK**

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK



DANA R. CHAPMAN
ADMINISTRATIVE CLERK



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Adopting Resolution Adopting the City's 2005 Urban Water Management Plan Update

MEETING DATE: March 15, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council conduct a public hearing to consider adopting a resolution adopting the City's 2005 Urban Water Management Plan update.

BACKGROUND INFORMATION: During the 1983/84 Regular Session, the California Legislature enacted Assembly Bill 797, and as subsequently amended, created Water Code Section 10610, et seq., known as the Urban Water Management Planning Act. This Act requires the City of Lodi to review and update the Urban Water Management Plan (UWMP) every five years. The current update was performed with the assistance of RMC Water and Environment, and is the fourth update of Lodi's Urban Water Management Plan. The adoption process requires a public hearing and adoption by Council.

Since publication of the Draft UWMP, the State Department of Water Resources (DWR) has provided minor preliminary comments. The comments, along with the proposed responses, are reflected in Exhibit A and will be incorporated into the UWMP submitted to the DWR.

The Plan outlines Lodi's historical and projected population and water use, water rates, water metering program status, and Woodbridge Irrigation District surface water as a source of supply. There are substantial changes from the 2000 UWMP. Much more attention is given to the groundwater supply and to conservation measures, including metering.

At the February 7, 2006, Shirtsleeve Session, the consultant, RMC Water and Environment, gave a presentation outlining the contents and findings of the Plan. Copies of the Plan were made available to the public on February 3, 2006. The public hearing was set at the February 15, 2006, Council meeting.

Note that the Plan addresses supply and demand; it does not specify how the City's WID water will be utilized, i.e., groundwater recharge or treatment plant. This will be addressed separately at the April 5, 2006, Council meeting.

FISCAL IMPACT: By maintaining an updated Urban Water Management Plan in accordance with State requirements, the City of Lodi will remain eligible for Proposition 50 grant funding. The City is currently applying for a \$75,000 Proposition 50 grant to supplement funding for a Recycled Water Master Plan (RWMP). The City is also applying for a Proposition 50 grant to offset 50% of the estimated \$1.4 million dollar costs associated with a portion of the PCE/TCE remediation.

FUNDING AVAILABLE: None required.

Richard C. Prima, Jr.
Public Works Director

Prepared by Charlie Swimley, Senior Civil Engineer
RCP/CES/pmf

cc: Stephen Schwabauer, City Attorney
Frank Beeler, Assistant Water/Wastewater Superintendent

Wally Sandelin, City Engineer

APPROVED: _____
Blair King, City Manager



DRAFT Response to Comments

City of Lodi - 2005 Urban Water Management Plan

Subject: Response to DWR Comments on Draft UWMP

Prepared For: Charlie Swimley

Prepared by: Andy Smith

Reviewed by: Glenn Hermanson

Date: March 2, 2006

Reference: 0140-01.02

Commenter	Comment	Page/Section Number	Response
Kim Rosmaier (DWR)	If WID expects no change in deliverable volume for the hydrologic scenarios, state this in Section 3.5	Section 3.5 pg 3-9	A footnote has been added to Table 3-7: "b. Reliability of WID supply is indicated in the City's contract with WID in Appendix D." A paragraph following Table 3-7 has also been added: "Wholesale supply reliability is presented in Chapter 6. Although changes in deliverable volumes of water for future hydrologic scenarios have not been formally predicted at this time, Chapter 6 presents the most restrictive possible cases for the future."
Kim Rosmaier (DWR)	Table 4-3, addition errors	Section 4.1.2 pgs 4-4 and 4-5	After speaking with Kim, it turns out that she hadn't noticed a footnote (footnote b) that states that totals for each year are rounded to the nearest hundred. Rounding in this way is acceptable, and there are no addition errors.
Kim Rosmaier (DWR)	DWR requires the mention of catastrophic interruption of supply due to an earthquake. If Lodi in a low-probability area, suggest you mention this in the plan in Section 10.6.	Section 10.6 pg 10-6	Agree. The following sentence was added: "Lodi is considered to be in a low-probability area for earthquakes."
Kim Rosmaier (DWR)	DWR requires a reduction measuring method. I assume the production meters would be monitored more frequently. Suggest you include a statement indicating this.	Section 10.8.2 pg 10-8	Agree. The following sentence was added: "In the event of a water shortage, the City will monitor its production meters more frequently."

City of Lodi - 2005 Urban Water Management Plan

Response to DWR Comments on Draft UWMP

DRAFT

Kim Rosmaier (DWR)	DWR requires at least the discussion of financial incentives as an action to promote recycled water. Suggest you include a statement in Section 8.9 that states "financial incentives may be one action considered". That will qualify for addressing the provision.	Section 8.9 pg 8-5	Agree. The following sentence was added: "Financial incentives for recycled water use may be one action considered."
Kim Rosmaier (DWR)	Implementation paragraph states "The city performs water audits upon request". This DMM refers to a system-wide water audit to determine unaccounted-for water volume. If the water audits noted above are for individual homes or businesses, this statement is incorrect. Water audits for homes are included in DMM 1 and water audits for businesses are included in DMM 9.	Section 5.1.3 pg 5-8	The sentence in question has been removed to avoid confusion. The first sentence of section 5.1.3 now reads "The City has implemented a capital improvement program to replace water lines, with an ultimate goal of replacing 1 percent of the system annually."
Kim Rosmaier (DWR)	Be sure to send a copy [of the Final UWMP] to the State Library and note same in this section.	Section 1.7 pg 1-3	Agree. A bullet item for the CA State Library was added to this section.
Kim Rosmaier (DWR)	Table 2-2 addresses the demographics provision but perhaps also include a brief paragraph. The City's webpage has a good intro to its City on the Community Profile page.	Section 2.3 pg 2-2	<p>Agree. The following was added:</p> <p>"Lodi is built on a strong and broad based agricultural industry with national and industrial markets for its commodities and products. Wines, processed foods, nuts, fruit and milk are major commodities of the Lodi area and provide the basic material for food processing and packaging. These commodities support the operations of General Mills, and Pacific Coast Producers, two companies in the business of processing local agricultural commodities.</p> <p>In addition, Lodi has a wide range of small, financially sound businesses. These companies range in size from 10 to 150 employees and produce a wide variety of products, services and commodities.</p> <p>Recently, there has been an increase in industrial and residential development within the City. This new development, combined with the growing strength of the wine/grape industry, is a positive economic indicator for Lodi. Recently, several industries moved to Lodi. These industries collectively have created approximately 850 new jobs."</p>
Kim Rosmaier (DWR)	Typo, third paragraph, second line third word: <i>buy</i> should be <i>but</i> and third line fourth word: <i>form</i> should be <i>from</i>	Section 3.1.1 pg 3-1	Agree. Edits have been made.

A RESOLUTION OF THE LODI CITY COUNCIL
ADOPTING THE CITY'S 2005 URBAN WATER
MANAGEMENT PLAN UPDATE

=====

WHEREAS, several years ago the California Legislature enacted Assembly Bill 797, and as subsequently amended, created Water Code Section 10610, et seq., known as the Urban Water Management Planning Act; and

WHEREAS, this Act requires the City of Lodi to review and update the Urban Water Management Plan every five years. The current update was performed with the assistance of RMC Water and Environment, and is the fourth update of Lodi's Urban Water Management Plan. The adoption process requires a public hearing and adoption by Council; and

WHEREAS, since publication of the Draft Urban Water Management Plan, the State Department of Water Resources has provided minor preliminary comments. The comments, along with the proposed responses, are reflected in Exhibit A and will be incorporated into the Urban Water Management Plan submitted to the Department of Water Resources; and

WHEREAS, the Plan outlines Lodi's historical and projected population and water use, water rates, water metering program status, and Woodbridge Irrigation District surface water as a source of supply. There are substantial changes from the 2000 Urban Water Management Plan, as much more attention is given to the groundwater supply and to conservation measures, including metering; and

WHEREAS, the Plan addresses supply and demand and does not specify how the City's WID water will be utilized, i.e., groundwater recharge or treatment plant, as this will be addressed separately; and

WHEREAS, by maintaining an updated Urban Water Management Plan in accordance with State requirements, the City of Lodi will remain eligible for Proposition 50 grant funding. The City is currently applying for a \$75,000 Proposition 50 grant to supplement funding for a Recycled Water Master Plan (RWMP). The City is also applying for a Proposition 50 grant to offset 50% of the estimated \$1.4 million dollar costs associated with a portion of the PCE remediation.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby adopt the City of Lodi's 2005 Urban Water Management Plan Update on file in the Public Works Department.

Dated: March 15, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the Lodi City Council in a regular meeting held March 15, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

PROOF OF PUBLICATION

(2015.5 C.C.C.P.)

STATE OF CALIFORNIA

County of San Joaquin

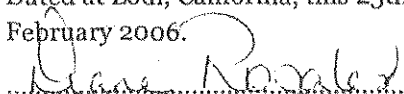
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily except Sundays and holidays, in the City of Lodi, California, County of San Joaquin and which newspaper had been adjudicated a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953. Case Number 65990; that the notice of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereto on the following dates to-wit:

February 18th, 25th

all in the year 2006.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 25th day of February 2006.



Signature

This space is for the County Clerk's Filing Stamp

RECEIVED
2006 MAR -7 AM 10:44
CITY CLERK
CITY OF LODI

Proof of Publication of
Special Notice of Public Hearing for March 15, 2006 for
the Adoption of the update of Lodi's Urban Water
Management Plan

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, March 15, 2006 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) Adoption of the update of Lodi's Urban Water Management Plan.

The plan is available for public inspection in the Public Works Department, 221 West Pine Street, Lodi, (209) 333-6706. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 W. Pine Street, 2nd Floor, Lodi, 95240 at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk at, or prior to, the public hearing.

By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: February 15, 2006

Approved as to form:

D. Stephen Schwabauer
City Attorney
February 18, 25, 2006 -
05511438

5511438



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: March 15, 2006

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, March 15, 2006** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Adoption of the update of Lodi's Urban Water Management Plan.

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By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: February 15, 2006

Approved as to form:

D. Stephen Schwabauer
City Attorney



DECLARATION OF POSTING

PUBLIC HEARING FOR March 15, 2006 for the Adoption of the update of Lodi's Water Management Plan.

On Friday February 17, 2006, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing for the Adoption of the update of Lodi's Water Management Plan.

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 17, 2006, at Lodi, California.

ORDERED BY:

SUSAN J. BLACKSTON
CITY CLERK

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK

A handwritten signature in cursive script, reading "Dana R. Chapman".

DANA R. CHAPMAN
ADMINISTRATIVE CLERK



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: SPECIAL NOTICE OF PUBLIC HEARING FOR March 15, 2006 for the
Adoption of the update of Lodi's Urban Water Management Plan.

LEGAL AD

PUBLISH DATE: February 18, 2006 and February 25, 2006

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: February 16, 2006

ORDERED BY: SUSAN J. BLACKSTON
CITY CLERK

JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK


DANA R. CHAPMAN
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS DIANE Faxed to the Sentinel at 369-1084 at 3:04 (time) on 2/16/06 (date) 2 (pages)
Phoned to confirm receipt of all pages at 3:15 (time) JLT ☒ DRC ☒ JMP (initials)

CITY COUNCIL

SUSAN HITCHCOCK,
Mayor

BOB JOHNSON,
Mayor Pro Tempore

JOHN BECKMAN

LARRY D. HANSEN

JOANNE MOUNCE

CITY OF LODI



PUBLIC WORKS DEPARTMENT

CITY HALL, 221 WEST PINE STREET / P.O. BOX 3006

LODI, CALIFORNIA 95241-1910

TELEPHONE (209) 333-6706 / FAX (209) 333-6710

EMAIL pwdept@lodi.gov

<http://www.lodi.gov>

BLAIR KING,
City Manager

SUSAN J. BLACKSTON,
City Clerk

D. STEPHEN SCHWABAUER,
City Attorney

RICHARD C. PRIMA, JR.,
Public Works Director

February 16, 2006

San Joaquin County
Attn: Dr. C. Mel Lytle
1810 E. Hazelton Avenue
Stockton, CA 95201

SUBJECT: 2005 Urban Water Management Plan (REVISED)

Enclosed is the City of Lodi's draft 2005 Urban Water Management Plan (UWMP). The State of California Water Code Section 10644 requires that the City provide a copy of this UWMP to all cities and counties within which the City provides water. If you have any comments on this draft UWMP, please send them to my attention.

This revised letter extends the public review period to March 15th. Therefore, the revised public review period is from February 15th to March 15th. The Plan will be brought to the City of Lodi City Council for adoption on March 15, 2006.

If you have any questions, please contact me at (209) 333-6800, extension 2593.

Sincerely,

Charlie Swimley
Senior Civil Engineer

CES/pmf

Enclosure

cc: Richard Prima, Public Works Director
Northeastern San Joaquin County Groundwater Banking Authority
Woodbridge Irrigation District
State of California Department of Water Resources Central District

J:\Water\LSJCounty_UWMPDraft_Revised.doc



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Appointments to the Lodi Animal Shelter Task Force and the Lodi Improvement Committee

MEETING DATE: March 15, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Council, by motion action, concur with the Mayor's recommended appointments to the Lodi Animal Shelter Task Force and the Lodi Improvement Committee.

BACKGROUND INFORMATION: As indicated below, the City Clerk's Office was directed to post for the vacancy on the Lodi Animal Shelter Task Force and the expiring terms on the Lodi Improvement Committee. It is recommended that the City Council concur with the following appointments.

Lodi Animal Shelter Task Force

Linda Castelanelli Unspecified term limit (*posting of vacancy ordered on 1/4/06*)

NOTE: *Three applicants (one new application and two on file);
published in Lodi News-Sentinel 1/7/06;
application deadline 2/6/06*

Lodi Improvement Committee

Fran Forkas Term to expire March 1, 2009 (*posting of expiring term ordered on 1/18/06*)
Eileen St. Yves Term to expire March 1, 2009 (*posting of expiring term ordered on 1/18/06*)
* _____ Term to expire March 1, 2009 (*posting of expiring term ordered on 1/18/06*)

NOTE: *Six applicants (two seeking reappointment; two new applications; and two on file);
published in Lodi News-Sentinel 1/21/06;
application deadline 2/21/06*

***NOTE: This name will be provided via "blue sheet" on March 15.**

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
Blair King, City Manager



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Monthly Protocol Account Report

MEETING DATE: March 15, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: None required, information only.

BACKGROUND INFORMATION: The City Council, at its meeting of July 19, 2000, adopted Resolution No. 2000-126 approving a policy relating to the City's "Protocol Account." As a part of this policy, it was directed that a monthly itemized report of the "Protocol Account" be provided to the City Council.

Attached please find the cumulative report through February 28, 2006.

FISCAL IMPACT: N/A

FUNDING AVAILABLE: See attached.

Susan J. Blackston
City Clerk

SJB/jmp

Attachment

APPROVED: _____
Blair King, City Manager

PROTOCOL ACCOUNT SUMMARY
Cumulative Report
July 1, 2005 through February 28, 2006

Date	Vendor	Description	Amount	Balance
				Starting Bal. \$12,000.
07-05-05	Lakewood Drugs	Clock – farewell gift from City to Dep. City Mgr. J. Keeter	43.05	
07-08-05	Lasting Impressions	Engraving (on J. Keeter gift)	42.99	
07-12-05	Touch of Mesquite*	*Deposit for catering services at Aug. 18 Annual Boards & Commissions Reception	320.00	
07-14-05	Security at HSS	3.5 hrs x \$15 (Aug. 18 event)	52.50	
07-26-05	O.C. Tanner	3 City grape emblems (supply for future City gifts)	70.29	
08-17-05	Arthur's Party World	Balloon decorations (for Aug. 18 Boards & Commissions Recognition Reception)	44.18	
08-17-05	Lowe's	Table flowers & baskets (for Aug. 18 Boards & Commissions Recognition Reception)	72.46	
08-17-05	Lodi Wine & Visitors Center	Wine (for Aug. 18 Boards & Commissions Recognition Reception)	232.16	
08-17-05	Arthur's Party World	Table decorations (for Aug. 18 Boards & Commissions Recognition Reception)	34.31	
08-17-05	Michael's	Table decorations (for Aug. 18 Boards & Commissions Recognition Reception)	7.85	
08-17-05	Smart & Final	Napkins, plates, glasses (for Aug. 18 Boards & Commissions Recognition Reception)	105.67	
08-24-05	Touch of Mesquite	Catering services (for Aug. 18 Boards & Commissions Recognition Reception) *Note: See deposit 7-12-05.	1,035.55	
11-08-05	Lasting Impressions	Engraving perpetual plaque 2005 Community Service Award	18.75	
11-11-05	JoAnn's Fabric	Ribbon for certificates	6.11	
11-30-05	Travis Catering	Catering services for Joint luncheon meeting with Faith Community/City Council	676.67	
11-30-05	Lowe's	Table centerpieces for Joint luncheon meeting with Faith Community/City Council	87.64	

11-30-05	Fritz Chin Photography	Group photo 11"x14" for community service award recipients	189.00	
12-01-05	Lasting Impressions	Outgoing Mayor's Plaque	88.89	
12-02-05	Dekra-Lite	Two (2) Centennial Banners	326.43	
12-07-05	Black Tie	Catering services for 12-7-05 Council reorganization reception	900.00	
12-09-05	Staples	Christmas Cards for Holiday Deliveries (to City staff)	12.99	
12-13-05	Specialty Cakes	Baked goods for holiday deliveries by Council to all City departments	488.00	
01-02-06	Dayspring Pen Shop	Centennial pens #160	347.65	
01-04-06	Specialty Cakes	Centennial cake for kickoff Council meeting	65.00	
01-04-06	Jerry Tyson	Photographer – one hour at Jan. 4 kickoff event	75.00	
01-10-06	Myshopangel.com	Centennial bags #250 (for Wall Dogs visiting artists hospitality bags)	208.87	
02-06-06	Stockton Blue	Sign for first oak tree planting	43.64	
			<i>Total Expenditures:</i> (\$5,595.65)	<i>Ending Bal.</i> \$6,404.35



CITY OF LODI

COUNCIL COMMUNICATION

TM

AGENDA TITLE: Mid-year budget review and resolution to revise 2005-06 budget appropriations

MEETING DATE: March 15, 2006

PREPARED BY: James R. Krueger, Deputy City Manager

RECOMMENDED ACTION: That City Council approve the mid-year budget adjustments and a resolution revising the 2005-06 budget appropriations.

BACKGROUND INFORMATION: The City Council adopted the Budget for Fiscal Year 2005-06 in June, 2005. Assumptions made related to the revenues to be received and expenditures to be incurred have not resulted in any material differences between the projected fund balances for any of the City funds in comparison to the amounts as approved in the adopted City Budget. However, there are several funds for which adjustments to both the revenue estimates and budgeted expenditures should be made in order to more appropriately reflect the projected operating results for Fiscal Year 2005-06. Following are the recommended adjustments and a brief explanation of the reasons for each of the adjustments:

- 1) General Fund-** Total budgeted expenditures will be decreased by \$500,000 from the amount stated in the adopted budget to reflect the reduction in the transfer amount from the Electric Utility Fund for services provided. This budget adjustment will not affect the ending fund balance because there are sufficient cost savings to offset the reduced revenues. The expected ending fund balance will be \$1,558,663 (a slight decrease from the amount in the adopted budget of \$1,565,000). Following are recommended adjustments:

Revenues

Decrease Tax Revenues (Electric In-lieu Franchise)	(500,000)
Increase Tax Revenues (Sales Taxes)	500,000

Appropriations

Increase Fire Department (Personnel Services)	261,000
Increase Non-Departmental	101,000
Decrease Transfers to other Funds	(361,000)

- 2) Electric Utility Fund-** Budgeted expenditures should be increased by a net amount of \$543,000 from the amount stated in the adopted budget. This is a netting of three different items, which include an estimated bulk power purchase cost increase of \$2,867,000, a reduction of the transfer

APPROVED: _____
Blair King, City Manager

to the General Fund of \$500,000 and a reduction in other operating costs of \$1,824,000. The increased revenues from the rate increase approved by City Council in November 2005 will provide approximately \$5,000,000 in additional revenues and the net result is that the Fund Balance is expected to be \$3,340,000 (the ending fund balance in the adopted budget is a deficit of \$2,198,000). Following are recommended adjustments:

<u>Revenues</u>	
Increase Sales to customers	\$5,000,000

<u>Appropriations</u>	
Increase Bulk Power Expense	2,953,000
Decrease Other Operating Expenses	(1,995,900)
In-lieu of Transfer (decrease expenses)	(500,000)
Net Increase in Ending Balance	\$5,457,100

- 3) **Water Fund-** Budgeted expenditures should be increased by \$52,800 from the amount stated in the budget to pay for the cost of services transfer from the General Fund Departments (mostly Public Works) that had been originally scheduled to be paid from the Street Fund. This adjustment is a reallocation of the cost of services transfer from the Street Fund to the Water, Wastewater and Capital Outlay funds. This will result in a reduction of the estimated ending fund balance for this fund.

<u>Appropriations</u>	
Increase Transfer to other Funds	\$ 52,800
Net Decrease in Ending Balance	\$ 52,800

- 4) **Wastewater Fund-** Budgeted expenditures should be increased by \$30,800 to pay for the cost of services transfer from the General Fund Departments (mostly Public Works) that had been originally scheduled to be paid from the Street Fund. This adjustment is a reallocation of the cost of services transfer from the Street Fund to the Water, Wastewater and Capital Outlay funds. This will result in a reduction of the estimated ending fund balance for this fund.

<u>Appropriations</u>	
Increase Transfer to other Funds	\$ 30,800
Net Decrease in Ending Balance	\$ 30,800

- 5) **Capital Outlay Fund-** Budgeted expenditures should be increased by \$139,100 to pay for the cost of services transfer from the General Fund Departments (mostly Public Works) that had been originally scheduled to be paid from the Street Fund. This adjustment is a reallocation of the cost of services transfer from the Street Fund to the Water, Wastewater and Capital Outlay funds. This will result in a reduction of the estimated ending fund balance for this fund.

<u>Appropriations</u>	
Increase Transfer to other Funds	\$ 139,100
Net Decrease in Ending Balance	\$ 139,100

- 6) **Street Fund-** Budgeted expenditures should be decreased by \$222,700 to reflect the relocation of the cost of services transfers to the Water, Wastewater and Capital Outlay funds. This will result in an increase in the estimated ending fund balance for this fund.

<u>Appropriations</u>	
Decrease Transfer to other Funds	\$ 222,700
Net Increase in Ending Balance	\$ 222,700

Quarterly Financial Report for December 31, 2005.

The following highlights are excerpts and comments from the Quarterly Financial Report attached as Exhibit A

Fund Balances

Ending Fund Balances June 30, 2006

	<u>Budget FYE 2006</u>	<u>Projected 6/30/06</u>	<u>Variance</u>
General Fund	1,565,087	1,558,663	(6,424)
Library Fund	618,543	548,749	(69,794)
Street Fund	6,254,710	7,622,700	1,367,990
Transportation Development Act Fund	75,299	109,310	34,011
Community Development Block Grant Fund	0	0	0
Police Special Revenue Fund	276,876	346,646	69,770
Capital Outlay Fund	4,999,373	6,631,469	1,632,096
Vehicle/Equipment Replacement Fund	98,500	209,816	111,316
Debt Service Fund			0
Water Fund	2,285,754	3,120,041	834,287
Wastewater Fund	1,048,718	1,070,366	21,648
Electric Fund	(2,187,758)	3,269,270	5,457,028
Transit Fund	6,468	236,523	230,055
Community Development Fund	0	365,728	365,728
Benefits Fund	248,695	240,897	(7,798)
Self Insurance Fund	2,263,767	3,548,632	1,284,865
Trust/Agency Fund	<u>1,231,086</u>	<u>1,236,501</u>	<u>5,415</u>
Total All Funds	18,785,118	30,115,311	11,330,193

Revenues and Expenditures

General Fund:

- Tax Revenues- Sales Tax revenues are projected to be approximately \$640,000 more than budgeted, Property taxes will be \$400,000 less than budgeted and other taxes will be \$143,000 more than budgeted. Property taxes and Sales taxes were estimated using prior year actual

results, which have proven to be unrepresentative of current year projected results. The transfer of in-lieu taxes has been reduced to reflect the need to balance the Electric Utility budget.

- Service Charges- Fees charged for engineering are projected to be \$372,000 less than estimated due to less than expected engineering design work on development projects.
- Fire Department Overtime- The Fire Department has expended a greater percentage of its overtime budget than anticipated. As of the end of January, Fire Operations had spent 99% of its overtime budget. The Fire Department points out that according to the labor agreement with the Fire Association, up to two firefighters may take vacation per shift. 16 firefighters are the minimum needed per shift. The city is authorized for 17 per shift. If two firefighters take vacation, the shift is short one firefighter, consequently, the need for overtime. It is recommended that the budget be adjusted to reflect the overtime budget variance. Management will review with the Fire Department administration methods to reduce planned overtime.
- Non-Departmental- The projected needs for Transfers to the Community Development Fund and to the Self Insurance funds are less than what was budgeted. Better than expected revenues received in the Community Development Fund and less than expected expenditures for General Liability and Workers Compensation are reflected in a net reduction of transfers to other funds of \$361,000. Projected increases in utility costs are reflected in the proposed budget adjustment of \$101,000.
- Expenditures in all other departments- All other departments are projected to have savings in personnel services costs due to lower than expected health insurance and work force attrition. Departments with greater than expected attrition may need to fill some of these positions. Hardest hit are the Public Works fleet services, Finance Customer Service and the Police Department.

Electric Fund:

- Rate Increase- The adjustment of electric rates to reflect the increase in bulk power purchase costs is expected to allow for additional revenues of \$5,000,000 in the current year and approximately \$10,000,000 in subsequent years.
- Operating expenses- Due to position vacancies in several divisions and savings in services and materials it is expected that there will be approximately \$2,000,000 projected savings in operating expenses. Bulk power costs are projected to exceed the amount budgeted by \$2,930,000.

Street Fund:

- Fund Balance- The beginning fund balance is more than budgeted as a result of timing differences in capital expenditures in relation to the funding of these projects. Consequently the ending balance is \$1,367,990 more than expected in comparison to the budgeted amount.

Capital Outlay Fund:

- Fund Balance- The beginning fund balance is \$1,885,971 more than budgeted as a result of timing differences in capital expenditures in relation to the funding of these projects. Consequently the ending balance is projected to be \$1,632,096 more than expected in comparison to the budgeted amount.

Water Fund:

- Fund Balance- The ending balance is projected to be \$834,287 more than budgeted primarily as a result of a better than expected balance at the beginning of the fiscal year.

Community Development Fund:

- Revenues- Projected revenues for permit fees and planning fees show better than expected building activity in fiscal year 2005-06. As a result of this and some budget savings in personnel services the transfer to this fund from the General Fund will be reduced and the ending fund balance is expected to be \$365,728.

Self Insurance:

- Revenues- The revenues in this fund come from transfers made from all operating funds. The amounts transferred from operating funds has been adjusted to reflect that the projected claims experience has been better than expected in comparison with the budget expectations.
- Expenditures- Claims experience for workers compensation and general liability have been much better than expected and is projected to result in expenditures savings of more than \$1,080,000.
- Fund Balance- As a result of the better than expected claims experience the fund balance is projected to be approximately \$1,285,000 more than the amount budgeted.

Position Control

The City Manager provided the Council with a listing of 29 positions to be cut or held vacant during the course of the fiscal year. At the time the budget was adopted the Council was informed if this list should change the Council would be consulted. One of the positions listed to remain vacant is a police lieutenant position. The Police Department is requesting this position be filled. The Police Department has achieved a \$346,000 salary savings beyond the budgeted salary savings. It is the Manager's intention to fill the position. Also, the Manager anticipates filling a vehicle mechanic position in order to address a work back log.

Continued Monitoring

Staff will continue to monitor revenues and expenditures through the end of the fiscal year and update the projected fund balances. The projected fund balances will be used as the budgeted beginning fund balances for fiscal year 2006-07. The projected expenditures for fiscal year 2005-06 will be used as the baseline amount to establish the budgeted expenditures for all departments.

FISCAL IMPACT: The fiscal effects of the adjustments are incorporated within the explanations above.

FUNDING: None required.

James R. Krueger, Deputy City Manager

Exhibit A	Quarterly Financial Report					
		12/31/05				
		Year-to-date	Budget	Year-to-date	As % of	Projected
Fund		Actual 12/31/04	Fiscal Year 2006	Actual 12/31/05	Budget	6/30/06
General	Revenues					
	Tax Revenues	6,544,872	27,298,694	6,809,394	24.9%	27,201,248
	Licenses and Permits	696,779	1,043,666	135,065	12.9%	1,056,733
	Fines and Forfeitures	152,169	340,237	136,164	40.0%	550,175
	Investment/Property Revenues	113,268	409,264	109,254	26.7%	389,421
	Revenue from Others	346,487	4,195,438	266,774	6.4%	4,007,734
	Services Charges	1,791,334	3,111,595	1,094,352	35.2%	2,739,011
	Other Revenue	90,751	283,630	102,837	36.3%	216,580
	Operating Transfers In	3,928,594	7,141,848	3,426,534	48.0%	7,141,800
	Total Revenues	13,664,254	43,824,372	12,080,374	27.6%	43,302,702
	Expenditures					
	Public Safety	9,762,080	21,037,703	10,204,545	48.5%	20,843,716
	Transportation	1,274,651	2,641,917	1,154,574	43.7%	2,594,622
	Leisure, Cultural & Social Services	2,461,891	4,968,227	2,227,274	44.8%	4,921,775
	Community & Economic Development	1,640,643	1,808,780	800,399	44.3%	1,776,400
	General Government	4,744,841	9,711,708	4,345,376	44.7%	9,558,415
	Operating Transfers Out	22,928	3,656,037	325,000	8.9%	3,556,037
	Total Expenditures	19,907,034	43,824,372	19,057,168	43.5%	43,250,965
	Fund Balance, Beginning of Year		1,565,087			1,506,926
	General Ending Fund Balance		1,565,087			1,558,663
Library	Revenues					
	Tax Revenues	(3,016)				
	Investment/Property Revenues	2,494	400	3,182	795.5%	2,400
	Revenue from Others	57,075	63,000	21,174	33.6%	63,000
	Services Charges	4,576				
	Other Revenue	23,796	62,500	28,326	45.3%	62,500
	Operating Transfers In		1,329,665		0.0%	1,329,665
	Total Revenues	84,925	1,455,565	52,682	3.6%	1,457,565

Exhibit A	Quarterly Financial Report					
		12/31/05				
		Year-to-date	Budget	Year-to-date	As % of	Projected
Fund		Actual 12/31/04	Fiscal Year 2006	Actual 12/31/05	Budget	6/30/06
	Expenditures					
	Leisure, Cultural & Social Services	659,987	1,520,216	665,020	43.7%	1,531,594
	Capital Projects	5,474	9,384	2,586	27.6%	9,384
	Operating Transfers Out	24,458	64,996	32,498	50.0%	64,996
	Total Expenditures	689,919	1,594,596	700,104	43.9%	1,605,974
	Fund Balance, Beginning of Year		757,574			697,158
	Library Ending Fund Balance		618,543			548,749
Street	Revenues					
	Tax Revenues	223,749	1,000,000	502,030	50.2%	1,000,000
	Investment/Property Revenues	23,217	10,000	31,653	316.5%	10,000
	Revenue from Others	2,981,014	6,132,000	4,142,711	67.6%	6,132,000
	Services Charges	2,840,848	945,000	267,748	28.3%	945,000
	Other Revenue	11,073		95,862		100,000
	Operating Transfers In	40,092		5,908		6,000
	Total Revenues	6,119,993	8,087,000	5,045,912	62.4%	8,193,000
	Expenditures					
	Capital Projects	4,226,931	3,714,492	5,142,983	138.5%	3,714,492
	Operating Transfers Out	774,291	1,830,544	921,180	50.3%	1,830,544
	Total Expenditures	5,001,222	5,545,036	6,064,163	109.4%	5,545,036
	Fund Balance, Beginning of Year		3,712,746	4,974,736		4,974,736
	Street Ending Fund Balance		6,254,710			7,622,700

Exhibit A	Quarterly Financial Report					
		12/31/05				
		Year-to-date	Budget	Year-to-date	As % of	Projected
Fund		Actual 12/31/04	Fiscal Year 2006	Actual 12/31/05	Budget	6/30/06
Transportation	Revenues					
	Investment/Property Revenues	291	500	658	131.6%	1,000
	Revenue from Others	41,027	39,400			39,400
	Operating Transfers In	52,733				0
	Total Revenues	41,318	39,900	658	1.6%	40,400
	Expenditures					
	Capital Projects	13,394		18,159		40,000
	Operating Transfers Out	32,733				0
	Total Expenditures	46,127	0	18,159		40,000
	Fund Balance, Beginning of Year		35,399			108,910
	Transportation Ending Fund Balance		75,299			109,310
CDBG	Revenue from Others	1,384	1,964,680	160,412	8.2%	1,964,680
	Capital Projects	7,452	1,964,680	170,482	8.7%	1,964,680
	Fund Balance, Beginning of Year		0			0
	CDBG Ending Fund Balance		0			0

Exhibit A	Quarterly Financial Report					
			12/31/05			
		Year-to-date	Budget	Year-to-date	As % of	Projected
Fund		Actual 12/31/04	Fiscal Year 2006	Actual 12/31/05	Budget	6/30/06
Police Sp	Revenues					
	Fines and Forfeitures			1,900		2,000
	Investment/Property Revenues	1,282		1,893		2,000
	Revenue from Others	142,130		109,871		142,130
	Operating Transfers In	3,757				0
	Total Revenues	143,412	0	113,664		146,130
	Expenditures					
	Public Safety	47,789		29,166		50,000
	Capital Projects	32,357		20,762		33,000
	Operating Transfers Out	3,757				0
	Total Expenditures	83,903	0	49,928		83,000
	Fund Balance, Beginning of Year		276,876			283,516
	Police Special Revenue Ending Fund Balance		276,876			346,646
						69,770
Capital O	Revenues					
	Tax Revenues	(4,523)				0
	Investment/Property Revenues	42,849	26,228	47,508	181.1%	50,000
	Revenue from Others					0
	Services Charges	3,369,741	1,417,340	194,129	13.7%	500,000
	Other Revenue	13,981		10,000		10,000
	Operating Transfers In	151,550				0
	Total Revenues	3,573,598	1,443,568	251,637	17.4%	1,190,162
	Expenditures					
	Capital Projects	620,851	1,057,531	142,381	13.5%	1,058,000
	Operating Transfers Out	2,614,727	125,305	1,381,004	1102.1%	125,305
	Total Expenditures	3,235,578	1,182,836	1,523,385	128.8%	1,183,305
	Fund Balance, Beginning of Year		4,738,641			6,624,612
	Capital Outlay Ending Fund Balance		4,999,373			6,631,469
						1,885,971
						1,632,096

Exhibit A	Quarterly Financial Report						
		12/31/05					
		Year-to-date	Budget	Year-to-date	As % of	Projected	Variance
Fund		Actual 12/31/04	Fiscal Year 2006	Actual 12/31/05	Budget	6/30/06	From Budget
Eq/Veh R	Revenues						
	Other Revenue	6,672	6,000	13,854	230.9%	15,000	9,000
	Operating Transfers In	193,807	187,500	75,000	40.0%	187,500	0
	Total Revenues	200,479	193,500	88,854	45.9%	202,500	9,000
	Capital Projects	88,449	145,000	24,769	17.1%	145,000	0
	Operating Transfers Out	10,454					0
	Total Expenditures	98,903	145,000	24,769	17.1%	145,000	0
	Fund Balance, Beginning of Year		50,000			152,316	102,316
	Equipment/Vehicle Replacement Ending Fund Balance		98,500			209,816	111,316
Debt Serv	Debt Service	1,093,521	1,772,478	1,106,021	62.4%	1,772,415	63
	Operating Transfers In	1,089,586	1,772,478	1,150,139	64.9%	1,772,415	(63)
	Debt Service Ending Fund Balance						0

Exhibit A	Quarterly Financial Report					
			12/31/05			
		Year-to-date	Budget	Year-to-date	As % of	Projected
Fund		Actual 12/31/04	Fiscal Year 2006	Actual 12/31/05	Budget	6/30/06
Water	Revenues					
	Investment/Property Revenues	13,128	10,220	64,586	632.0%	75,000
	Services Charges	4,572,340	8,468,299	4,191,712	49.5%	8,818,299
	Other Revenue	9,018,168	409,500	5,746,150	1403.2%	5,946,150
	Operating Transfers In	1,009,341		3,386,775		5,000,000
	Total Revenues	14,612,977	8,888,019	13,389,223	150.6%	19,839,449
	Expenditures					
	Public Utilities	2,249,515	4,817,242	2,363,131	49.1%	4,817,242
	Capital Projects	1,952,809	2,113,590	1,709,772	80.9%	2,113,590
	Debt Service	20,276	227,978	19,564	8.6%	227,978
	Operating Transfers Out	1,350,234	909,259	3,836,405	421.9%	13,860,689
	Total Expenditures	5,572,834	8,068,069	4,092,467	50.7%	21,019,499
	Fund Balance, Beginning of Year		1,465,804			4,300,091
	Water Ending Fund Balance		2,285,754			3,120,041

Exhibit A	Quarterly Financial Report					
			12/31/05			
		Year-to-date	Budget	Year-to-date	As % of	Projected
Fund		Actual 12/31/04	Fiscal Year 2006	Actual 12/31/05	Budget	6/30/06
Wastewater	Revenues					
	Investment/Property Revenues	131,791	169,675	250,337	147.5%	250,000
	Revenue from Others	203				
	Services Charges	3,989,988	8,833,975	4,531,337	51.3%	8,833,975
	Other Revenue	120,459	6,238,500	91,970	1.5%	6,238,500
	Operating Transfers In	1,110,297		1,122,459		1,633,355
	Total Revenues	5,352,738	15,242,150	5,996,103	39.3%	16,955,830
	Expenditures					
	Public Utilities	2,099,217	4,987,607	2,106,012	42.2%	4,987,607
	Capital Projects	8,675,965	7,701,313	1,063,915	13.8%	7,701,313
	Debt Service	546,823	3,337,058	422,133	12.6%	3,337,058
	Operating Transfers Out	1,441,496	1,031,793	1,633,355	158.3%	2,133,355
	Total Expenditures	12,763,501	17,057,771	5,225,415	30.6%	18,159,333
	Fund Balance, Beginning of Year		2,864,339			2,273,869
	Wastewater Ending Fund Balance		1,048,718			1,070,366

Exhibit A		Quarterly Financial Report					
			12/31/05				
		Year-to-date	Budget	Year-to-date	As % of	Projected	Variance
Fund		Actual 12/31/04	Fiscal Year 2006	Actual 12/31/05	Budget	6/30/06	From Budget
Electric	Revenues						
	Investment/Property Revenues	25,287	950,000	168,566	17.7%	950,000	0
	Services Charges	30,613,556	55,228,600	31,030,640	56.2%	60,072,000	4,843,400
	Other Revenue	2,071	575,653	26,135		432,000	(143,653)
	Operating Transfers In	33,410		69,500		70,000	70,000
	Total Revenues	30,640,914	56,754,253	31,225,341	55.0%	61,454,000	4,699,747
	Expenditures						
	Public Utilities	7,044,089	17,090,136	7,468,386	43.7%	17,195,754	(105,618)
	Bulk Power Purchase	18,658,369	39,833,099	22,824,547	57.3%	42,700,000	(2,866,901)
	Capital Projects	1,172,516				139,000	(139,000)
	Debt Service	1,283,320	5,219,013	899,192	17.2%	5,619,013	(400,000)
	Operating Transfers Out	1,262,274	2,898,246	1,528,623	52.7%	2,898,246	0
	Total Expenditures	29,420,568	65,040,494	31,192,125	48.0%	65,653,767	(613,273)
	Balance, Beginning of Year		6,098,483			7,469,037	1,370,554
Electric Ending Fund Balance		(2,187,758)			3,269,270	5,457,028	
Transit	Revenues						
	Tax Revenues		75,000			75,000	0
	Investment/Property Revenues	614	9,288	(3,632)	-39.1%	9,288	0
	Revenue from Others	199,135	3,260,000	262,975	8.1%	3,260,000	0
	Services Charges	187,844	481,700	236,742	49.1%	481,700	0
	Other Revenue	164,545	54,372	7,801	14.3%	54,372	0
	Operating Transfers In	13,764					0
	Total Revenues	552,138	3,880,360	503,886	13.0%	3,880,360	0
	Expenditures						
	Transportation	1,157,861	2,747,572	1,476,157	53.7%	2,747,572	0
	Capital Projects	64,800	1,126,320	42,590	3.8%	1,126,320	0
	Operating Transfers Out	110,600	288,780			288,780	0
	Total Expenditures	1,222,661	3,873,892	1,518,747	39.2%	3,873,892	0
Fund Balance, Beginning of Year		0			230,055	230,055	
Transit Ending Fund Balance		6,468			236,523	230,055	

Exhibit A	Quarterly Financial Report					
		12/31/05				
		Year-to-date	Budget	Year-to-date	As % of	Projected
Fund		Actual 12/31/04	Fiscal Year 2006	Actual 12/31/05	Budget	6/30/06
Cmmunity	Revenues					
	Licenses and Permits		994,680	568,800	57.2%	994,680
	Investment/Property Revenues			2,900		2,900
	Services Charges		970,000	293,756	30.3%	970,000
	Other Revenue			(175)		0
	Operating Transfers In		506,000	253,000	50.0%	253,000
	Total Revenues	0	1,964,680	865,281	44.0%	1,967,580
	Expenditures					
	Community & Economic Development		1,964,680	800,926	40.8%	1,601,852
	Total Expenditures	0	1,964,680	800,926	40.8%	1,601,852
	Community Development Ending Fund Balance		0			365,728
						365,728

Exhibit A	Quarterly Financial Report					
		12/31/05				
		Year-to-date	Budget	Year-to-date	As % of	Projected
Fund		Actual 12/31/04	Fiscal Year 2006	Actual 12/31/05	Budget	6/30/06
Benefits	Revenues					
	Investment/Property Revenues	(1,558)		(1,184)		0
	Services Charges	2,404,826	6,231,794	2,381,284	38.2%	5,500,000
	Other Revenue	215	10,000	2,202	22.0%	2,202
	Operating Transfers In	116				0
	Total Revenues	2,403,483	6,241,794	2,382,302	38.2%	5,502,202
	Expenditures					
	General Government	2,676,547	5,993,099	2,566,813	42.8%	5,495,740
	Total Expenditures	2,676,547	5,993,099	2,566,813	42.8%	5,495,740
	Balance, Beginning of Year					0
	Benefits Ending Fund Balance		248,695			6,462
Self Insur	Revenues					
	Investment/Property Revenues	5,487	7,000	10,641	152.0%	15,000
	Revenue from Others	115,628	150,000			(150,000)
	Services Charges	1,495,249	2,108,905	1,378,721	65.4%	2,108,905
	Other Revenue	20,208		2,517		3,000
	Operating Transfers In		300,000	150,000	50.0%	0
	Total Revenues	1,636,572	2,265,905	1,391,879	61.4%	2,126,905
						0
	Expenditures					
	General Government	1,213,818	2,922,303	1,194,900	40.9%	1,839,692
	Total Expenditures	4,365,847	2,922,303	1,194,900	40.9%	1,839,692
	Balance, Beginning of Year		2,920,165			3,261,419
	Self Insurance Ending Fund Balance		2,263,767			3,548,632

Exhibit A	Quarterly Financial Report					
		12/31/05				
		Year-to-date	Budget	Year-to-date	As % of	Projected
Fund		Actual 12/31/04	Fiscal Year 2006	Actual 12/31/05	Budget	6/30/06
Trust Agency	Revenues					
	Tax Revenues	1,036	202,832	3,199	1.6%	202,832
	Investment/Property Revenues	2,661		5,440		7,500
	Services Charges	18,847	128,254	48,489	37.8%	128,254
	Other Revenue	1,814				
	Operating Transfers In			111		
	Total Revenues	24,358	331,086	57,128	17.3%	338,586
	Expenditures					
	Debt Service	184,819		157,343		245,000
	Operating Transfers Out			111		
	Total Expenditures	184,819	0	157,454		245,000
	Balance, Beginning of Year		900,000			1,142,915
	Trust Agency Ending Fund Balance		1,231,086			1,236,501

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL REVISING THE ADOPTED
2005-06 OPERATING AND CAPITAL IMPROVEMENT BUDGET FOR THE
FISCAL YEAR BEGINNING JULY 1, 2005 AND ENDING JUNE 30, 2006

=====

WHEREAS, the City Manager submitted the 2005-06 balanced Operating and Capital Improvement Budget to the City Council on May 11, 2005; and

WHEREAS, the 2005-06 Operating and Capital Improvement Budget was prepared in accordance with the City Council's goals, budget assumptions, and policies; and

WHEREAS, the City Council conducted public budget meetings on May 4, May 11, May 18, and May 24 at the Carnegie Forum; and

WHEREAS, the City Council approved the 2005-06 Operating and Capital Improvement Budget as passed and adopted in Resolution 2005-120 at a regular meeting of the City Council of the City of Lodi on June 15, 2005; and

WHEREAS, revisions in the 2005-06 Operating and Capital Improvement Budget as approved by the City of Lodi City Council on June 15, 2005 are necessary as a result of changes in revenue estimates and projected changes in operating expenditures; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi as follows:

1. That the 2005-06 Operating and Capital Improvement Budget, as approved by the City of Lodi City Council proposed by the City Manager and amended by the City Council (with the exclusion of the Lodi Conference and Visitors Bureau element, voted on separately and reflected in Resolution 2005-121), be revised as follows:

	City Council Approved	Adjustments	City Council Revised
General Fund			
Fire	8,098,576	261,000	8,359,576
Non-Departmental	5,333,002	(261,000)	5,072,002
Electric Utility Fund	65,040,494	457,100	65,497,594
Water Utility Fund	8,053,069	52,800	8,105,869
Wastewater Utility Fund	17,057,771	30,800	17,088,571
Streets Fund	5,545,036		
Capital Outlay Fund	1,182,836	139,100	1,321,936

2. That the funds for the 2005-06 Operating Budget are appropriated as summarized in the document on file in the City Clerk's Office; and as herewith revised and summarized in the document on file in the City Clerk's Office.

Dated: March 15, 2006

=====

I hereby certify that Resolution No. 2006-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 15, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2006-____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Review and Adopt Formal Comments on Measure K Renewal Expenditure Plan
MEETING DATE: March 15, 2006
PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council review and adopt formal comments on the Measure K Renewal Expenditure Plan.

BACKGROUND INFORMATION: The Measure K Renewal effort has been progressing for the past two years. A key element of the Renewal is an updated Expenditure Plan which guides and implements the ½-cent sales tax. The San Joaquin Council of Governments (SJCOG) is requesting formal comments.

The proposed Expenditure Plan is structured fundamentally similar to the current Plan with four broad categories of projects but includes a variety of changes in this 30-year program. (The current Plan and tax was for 20 years.) The SJCOG Board is interested in two specific changes to the draft Plan as outlined in their February 27, 2006 letter (Exhibit A). The current version of the Expenditure Plan is attached as Exhibit B. Additional information on the Renewal effort is available on the SJCOG website at http://www.sjco.org/sections/measure_k/program_renewal.

Staff reviewed the draft Expenditure Plan with the City Council at the February 15, 2006 meeting. Follow-up items, along with the items mentioned in the Exhibit A letter are addressed below.

- State Route 12 Improvements:
 - Exchange the “west of I-5” project with “between I-5 and Lower Sacramento Road” project – Both projects are fairly equal in terms of traffic demand, however, as noted in the February 27 letter, there are significant challenges to delivering a project west of I-5. Yet, the project is well supported by the voters. Staff has no objections to leaving both projects in the Plan, but concurs with the suggestion in the SJCOG letter to “exchange” the two projects.
 - Highway 99/12 (West) interchange – This project is listed in the Local Roadway Projects sub-category of the Congestion Relief category. Since this is the intersection of two State highways, staff recommends that it be moved to the State Highway sub-category.
- Local Street Repair and Roadway Safety – This portion of Measure K directly allocates funds, on a formula basis, to the County and the Cities for projects at the agency’s discretion. Small jurisdictions would receive a minimum of \$250,000. (Currently, the minimum is \$100,000.) The February 27 letter from the SJCOG Board considers increasing the minimum to \$500,000. The Technical Advisory Committee is suggesting the minimum be \$300,000. Staff is comfortable with the \$300,000 minimum, noting it is a significant increase. (Lodi is well above any of these minimums.) If a higher minimum is proposed, staff suggests it be increased over time, such as: \$250,000 in 2011, \$350,000 in 2021 and \$450,000 in 2031.

APPROVED: _____
 Blair King, City Manager

- Congestion Relief – Local Area Projects – At the February 15 meeting, the Council asked staff to review this list in terms of deliverability. The list, along with rough cost estimates, is shown in Exhibit C. The results of polling commissioned by SJCOG for most of the Lodi Area projects are presented in Exhibit D. Also, the Railroad Crossing Safety category in Measure K will not provide significant funds for the Lodi Avenue and Harney Lane grade separation projects which are favored by the voters. Utilizing funds from the Local Roadway sub-category for a grade separation may be considered in the future.

While the cost estimates for these projects substantially exceed the estimated revenue from the Measure K renewal, other funds will be applied to these projects. (Note that the cost estimates are not included in the Expenditure Plan.) Exhibit C indicates which additional funding sources are presently identified for each project. However, an exact funding program is not possible at this time, given the approximate nature of the estimates and future availability of State, Federal and other funds. The Measure includes provisions to amend the Expenditure Plan. As the City develops priorities and refines project scope and costs, we may make changes to the Plan in the future. Other changes will include updates and revisions to the fee programs.

Staff suggests some changes to the draft Expenditure Plan in addition to the ones mentioned above. The changes are as shown below and included in Exhibit C.

- That the Highway 99/Turner Road interchange project be down-scoped from “reconstruct interchange” to “capacity, signalization and safety improvements”
- That the Victor Road widening project limits be changed from Cluff Avenue to the Eastern General Plan boundary and include “capacity, signalization and safety improvements at Highway 99”
- Delete the Central Avenue project – Overall segment capacity is currently not an issue and given the low poll results and the overall financial demands on Measure K, the project does not need to be in this category. The City could allocate some funds for this project from the Local Street Repair category.

FISCAL IMPACT: Measure K is a major funding source for the City’s transportation program and needs to be renewed.

FUNDING AVAILABLE: Not applicable.

Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Attachments

cc: Andy Chesley, San Joaquin Council of Governments



SAN JOAQUIN COUNCIL OF GOVERNMENTS

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STOCKTON,
TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

February 27, 2006

Mayor Susan Hitchcock
City of Lodi
221 West Pine Street
Lodi, CA 95240

Dear Mayor Hitchcock:

On February 23, 2006 the San Joaquin Council of Governments (SJCOC) Board of Directors took action to distribute the attached Measure K Renewal Preliminary Draft Expenditure Plan to the cities and County of San Joaquin for formal review and comment. At the time of this action the SJCOC Board of Directors outlined the following interests:

1. The State Route 12 improvements west of I-5 should be exchanged with the improvement of State Route 12 between I-5 and Lower Sacramento Road. This interest is based upon the expressed needs of the City of Lodi in maintaining access to I-5 as well as the SJCOC Board's recognition of the physical and subsequent financial challenges in providing improvements to State Route 12 across the delta west of I-5.
2. An annual minimum guarantee of \$250,000 in Local Street Repair and Roadway Safety funding should be provided to the smaller cities and an annual minimum guarantee up to \$500,000 should be explored for consideration.

The SJCOC Board of Directors is scheduled to approve the Final Expenditure Plan at their April 27, 2006 meeting. SJCOC staff is requesting comment by the cities and County on the Preliminary Draft Expenditure Plan to be returned to SJCOC by April 18, 2006.

SJCOC greatly appreciates your continued support and participation in the Measure K renewal effort. If you have any questions, please contact Andrew Chesley, Executive Director, at 209-468-3913.

Sincerely yours,

GARY L. HASKIN

Chair

San Joaquin Council of Governments

cc: Councilman Larry Hansen
Blair King, City Manager

Measure K Renewal Schedule - November 2006 Election Date Target

[illegible]

MEASURE K RENEWAL

SAN JOAQUIN COUNTY TRANSPORTATION IMPROVEMENT PLAN

PRELIMINARY DRAFT – FEBRUARY 2006



SAN JOAQUIN COUNCIL OF GOVERNMENTS



Measure K Expenditure Plan

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San Joaquin Council of Governments
555 East Weber Avenue
Stockton, California 95202
www.sjcog.org

SAN JOAQUIN COUNTY LOCAL TRANSPORTATION IMPROVEMENT PLAN

EXPENDITURE PLAN

This document contains the San Joaquin County Local Transportation Improvement Plan. This Expenditure Plan, which is required to be adopted by the San Joaquin County Transportation Authority pursuant to Public Utilities Code commencing with Section 180000, is the legal document implementing the local retail transactions and use tax and specifying the method of allocation of the local retail transactions and use tax revenues and other requirements of the Measure. The Ordinance becomes effective at the close of the polls on the day of the election at which the local transportation measure is approved by the voters. The full text of the Expenditure Plan is provided on the following pages.

Member Jurisdictions

City of Escalon
City of Lathrop
City of Lodi
City of Manteca
City of Ripon
City of Stockton
City of Tracy
County of San Joaquin

EXECUTIVE SUMMARY

This Transportation Improvement Plan is aimed at remedying the existing over \$7.0 billion deficiency in transportation funding in San Joaquin County while promoting improved air quality. It also mandates local development fees and regional growth coordination. The Plan calls for street repairs, safety and operational improvements on local streets and roads, projects to reduce congestion on streets and highways, passenger rail and bus service to provide alternatives to the car and improve the air quality of the San Joaquin Valley, and separation of streets from railroads at designated crossings to improve safety.

Revenue to fund the Plan comes from the continuation of the existing one half percent (1/2 %) sales tax and will be limited to a 30-year period. The measure is estimated to generate \$2.552 billion for programs.

Categorical Allocations are as follows:

- 35% or \$883 million to Local Street Repairs and Roadway Safety
 - 86% or \$759 million for local street repairs
 - 14% or \$124 million for roadway safety
- 32.5% or \$820 million to Congestion Relief Projects
- 2.5% or \$63 million for Railroad Crossing Safety projects
- 30% or \$756 million to Passenger Rail, Bus and Bicycles:
 - 39% or \$295 million to passenger rail transit
 - 49% or \$370 million for bus transit
 - 5% or \$38 million for bus rapid transit capital
 - 7% or \$53 million for pedestrian and bicycle facilities

By law, the Local Transportation Authority (LTA) can take no more than one percent (1%) of gross revenues for administrative salaries and benefits.

CATEGORICAL ALLOCATIONS

LOCAL STREET REPAIR AND ROADWAY SAFETY - These funds are apportioned according to a baseline allocation and the annual increase of sales tax revenue over the baseline allocation. The baseline allocation is the highest annual total of Local Street Repair funding collected in either 2008, 2009, or 2010 divided 50% to San Joaquin County, 50% to the incorporated cities. Individual city allocations are by their proportionate share of the total incorporated population. The baseline allocation will be increased annually for inflation by 3% or the actual annual growth in sales tax revenue if the actual annual sales tax growth rate is below 3%. The increase over baseline allocation will be divided between all jurisdictions by population percentage of the total incorporated and unincorporated population. The County of San Joaquin is guaranteed an annual minimum of 40% of the combined Local Street Repair and Roadway Safety funding. This formula will be reviewed and, if necessary, revised after fifteen years. These funds must be used to augment current transportation spending and cannot be used to replace general fund expenditures.

- **Local Street Repair** includes expenditures to rehabilitate local streets, curbs, gutters, sidewalks, and roadway shoulders.

- **Roadway Safety** promotes motorist safety including fog reflectors, median barriers, roadway shoulders, emergency vehicle traffic signal pre-emption systems, and safe routes to schools.

CONGESTION RELIEF PROJECTS – These are projects of regional importance, which add lanes to roadways or provide operational improvements that increase roadway capacity. Projects include state highway facilities and local roadway facilities. Funding will be used in combination with other revenue sources such as state funds or local fees to deliver projects and can be loaned to the state to deliver a project sooner than would normally be expected through the State Transportation Improvement Program (STIP) process. Sixty percent (60%) of the funds are dedicated to state highway projects. Forty percent (40%) of the funds are dedicated to local roadway projects according to the population of local jurisdictions.

PASSENGER RAIL, BUS AND BICYCLES - It is the intent to use sales tax revenue to match and supplement state and federal funds for passenger rail transit, bus transit, and pedestrian/bicycle facilities.

- **Passenger Rail Transit** includes expenditures to promote and upgrade passenger rail service in the Stockton - Bay Area corridor over the Altamont and the Modesto - Stockton - Sacramento corridor. Eligible costs include but are not limited to operations, locomotives and passenger cars, track improvements, train and grade crossing controls.
- **Bus Transit** promotes bus service between the cities within San Joaquin County for all trip purposes. Expenses for capital such as vehicles and operations are eligible. Funding is used for bus programs to promote peak hour, commute service as well as bus services for the elderly and persons with disabilities. These funds can be used for park and ride lots, express bus service, greater frequencies on existing peak hour routes, trip reduction programs to new employment centers and service to other counties. The San Joaquin Regional Transit District (SJRTD) is to receive a minimum allocation of 50% for programs in this category.
- **Bus Rapid Transit Capital** provides funding specifically for infrastructure to support Bus Rapid Transit service. Bus Rapid Transit provides express bus service with fewer stops and higher frequencies that are similar to light rail. Bus Rapid Transit requires priority to be given to buses through traffic signal priority and could allow buses to run on designated high occupancy roadway lanes or separate lanes, including off roadway corridors. Bus Rapid Transit can include interregional/intra-city commute, inter-city, and elderly/persons with disabilities bus service.
- **Pedestrian/Bicycle Facilities** promotes pedestrian/bicycle facility projects including commute facilities, recreational facilities, cross walks, traffic calming projects, and safe routes to schools.

RAILROAD CROSSING SAFETY PROJECTS – These are projects to provide motorist safety at railroad crossings. Projects include grade separation facilities, meant to separate roadways from railroads, as well as at-grade improvements. A list of potential underpasses or overpasses of railroad tracks on local streets and roads throughout San Joaquin County has been presented. The Authority will adopt criteria to prioritize the listing.

SAN JOAQUIN COUNTY TRANSPORTATION AUTHORITY

The San Joaquin Council of Governments is designated the San Joaquin County Local Transportation Authority, pursuant to the provisions of Public Utilities Code Section I, Division 19 commencing with Section 180000. The Local Transportation Authority was created by the San Joaquin County Board of Supervisors to carry out the activity delineated in the San Joaquin County Local Transportation Improvement Plan.

SJCOG Board Members

Fiscal Year 2005-06

Councilman Gary Haskin, Chair - City of Escalon
Councilman John W. Harris, Vice Chair - City of Manteca
Supervisor Jack Sieglock - San Joaquin County
Mayor Gloryanna Rhodes - City of Lathrop
Mayor Dan Bilbrey - City of Tracy
Vice Mayor Gary Giovanetti - City of Stockton
Councilman Larry Hansen - City of Lodi
Supervisor Victor Mow - San Joaquin County
Mayor Ed Chavez - City of Stockton
Mayor Chuck Winn - City of Ripon

Ex-Officio Members

Kome Ajise - Caltrans District 10
Ron Coale - Port of Stockton
Duane Isetti- San Joaquin Regional Transit District

STATEMENT OF PRINCIPLES

The San Joaquin Council of Governments (SJCOG) is designated as the Local Transportation Authority (LTA) for the county under the provisions contained in SB 142 (Chapter 786, Statutes of 1987) in order to carry out the activities described in this Expenditure Plan.

The Plan was prepared by the San Joaquin Council of Governments in concert with community leaders, elected officials, management and technical staff from member cities and the County and interested members of the general public.

The Local Transportation Authority's principles are as follows:

1. A balanced transportation network of highways, local streets, rail and bus transit and regional planning are necessary to preserve the quality of life and a healthy viable economy for San Joaquin County residents.
2. Improved air quality is an important goal for San Joaquin County as well as the entire San Joaquin Valley. Alternatives to the single occupant automobile are important contributors to improved air quality. The implementation of this Plan must be consistent with the adopted Air Quality Plan for San Joaquin County and the San Joaquin Valley Air Basin.
3. It is estimated that there is currently a need for over \$7.0 billion to fund:
 - Street repair, safety and improvements on local streets and roads;
 - Congestion relief projects to accommodate existing crowding of streets and highways;
 - Capital and operating assistance for passenger rail and bus service;
 - Local match requirements for state and federal funding.
4. State and Federal monies are insufficient to meet San Joaquin County's transportation needs. A local retail transactions and use tax for transportation improvements has been demonstrated to be the funding method best suited to match other revenue sources to meet San Joaquin County's needs.
5. All investments in capital facilities and improvements must be within San Joaquin County or directly service the interests of San Joaquin County residents.
6. In order to accommodate San Joaquin County population growth so that it does not occur at the expense of current residents, the cities and the county in San Joaquin will maintain and collect both local traffic mitigation fees and a regional transportation impact fee to pay for growth-induced transportation facilities.
7. To receive Local Street Repair and Roadway Safety funding the cities and the county in San Joaquin must have adopted both local traffic mitigation fees and a regional transportation impact fee.
8. To implement the Plan, management, technical and most importantly citizen oversight is essential.

TABLE 1

ANTICIPATED SAN JOAQUIN COUNTY
THIRTY YEAR REVENUE FROM A ½ % SALES TAX
FOR CATEGORICAL ALLOCATIONS

Thirty Year Revenue Total in 2005 Dollars: \$2,522,000,000

CATEGORICAL ALLOCATIONS
(30-Year Estimate in 2005 Dollars)

NET FOR ALLOCATION			\$2,522,000,000
LOCAL STREET REPAIR AND ROADWAY SAFETY			
		35%	\$883,000,000
Local Street Repair	86%	\$759,000,000	
Roadway Safety	14%	\$124,000,000	
CONGESTION RELIEF PROJECTS			
		32.5%	\$820,000,000
PASSENGER RAIL, BUS AND BICYCLES			
		30%	\$756,000,000
Passenger Rail Transit	39%	\$295,000,000	
Bus Transit	49%	\$370,000,000	
Bus Rapid Transit Capital	5%	\$38,000,000	
Pedestrian/Bicycle Facilities	7%	\$53,000,000	
RAILROAD CROSSING SAFETY IMPROVEMENTS			
		2.5%	\$63,000,000

These revenue allocations are for illustrative purposes and are estimates only. Actual allocations to each category will be based on the percentages listed above.

CATEGORY DESCRIPTIONS

CONGESTION RELIEF IMPROVEMENTS

Thirty-two and one-half percent (32.5%) of the net revenue generated under this measure will be allocated to regional capacity improvement projects. For the purposes of this Plan, "capacity improvement projects" are those capital projects which add lanes to roadways, improve traffic operations, or expand transit capabilities. The cost of these congestion relief projects can include such items as traffic signals, channelization, curbs and gutters, shoulders, bus rapid transit infrastructure, capital improvements at the Stockton Metropolitan Airport, project development, etc. as long as these costs are directly related to the project.

STATE HIGHWAY PROJECTS

Many more state highway improvement projects are needed to address the congestion and safety problems than existing state and federal revenues can fund. Of the total funds available in the Congestion Relief Category, sixty percent (60%) of the funds will be used to match federal and state revenues to complete projects of benefit to the state highway system including, but not limited to:

Interstate 205

Widen from 6 to 8 lanes between I-580 and I-5

Interstate 5

Widen from 6 to 8 through lanes between I-205 and Eight Mile Road

Route 4 (Crosstown Freeway)

Improve interchanges with I-5 and Route 99

Route 12

Widen from 4 to 6 lanes between Lower Sacramento Road and Route 99 and provide safety improvements west of I-5 to the San Joaquin County line

Route 12 / Route 88

Widen from 2 to 4 lanes within the joint Route 88/Route 12 corridor

Route 99

Widen from 4 to 6 lanes between Route 120 and Route 4 (Crosstown Freeway)

Route 120

Widen from 4 to 6 lanes between I-5 and Route 99

Highway Access to the Port of Stockton

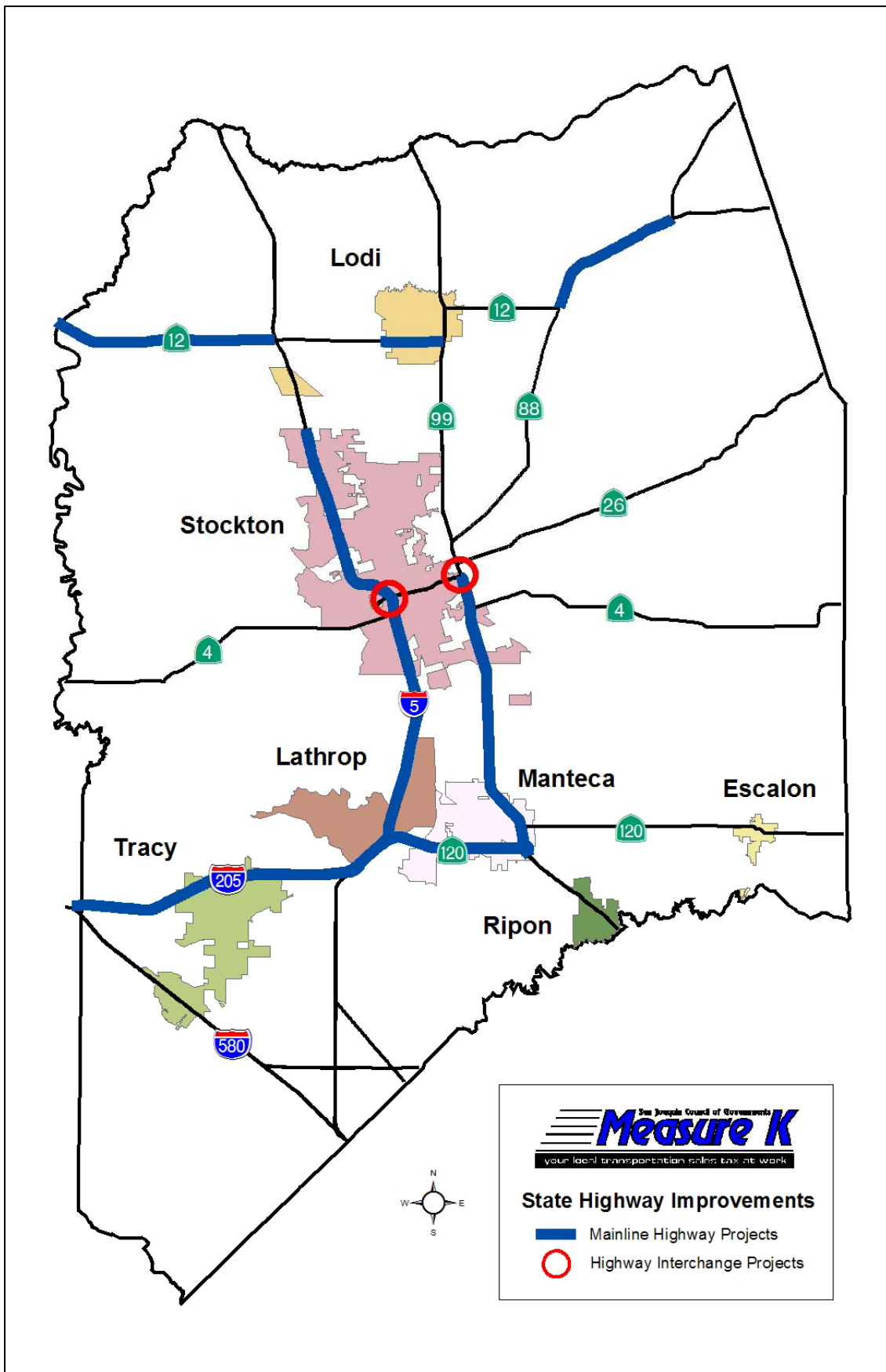
Improve access to the Port of Stockton from I-5 while enhancing the neighboring residential community

Interstate 205 Parallel Rail Freight Shuttle

Implement rail freight shuttle between the Port of Stockton and Port of Oakland to divert truck freight traffic from the I-205 corridor

Freeway Service Patrol

Provide motorist assistance on priority state highways to reduce congestion caused by disabled vehicles



LOCAL ROADWAY PROJECTS

Forty percent (40%) of the Congestion Relief Category funding may be used to match state and local revenues as well as regional transportation impact fee funding to provide capacity improvements to local roadways in each of the cities and County of San Joaquin. These funds are apportioned to the local jurisdictions according to their proportionate share of the total incorporated and unincorporated population. The local jurisdictions will identify and prioritize projects for funding requests to the Authority. The Authority will allocate funds consistent with the Regional Transportation Plan. Projects that have an approved Project Study Report, or equivalent, and are included in the Regional Transportation Plan will receive an allocation approval automatically from the Authority in the first ten years of the program (2011 to 2021) so long as the allocation does not exceed the total Congestion Relief funds available to that jurisdiction over the life of the Measure K program. Eligible projects include, but are not limited to:

Escalon Planning Area:

Campbell Road Extension

Construct 2-lane extension of Campbell Road between Sante Fe Avenue and Rt. 120.

Ullrey Avenue / McHenry Avenue Intersection

Reconstruct intersection of Ullrey Avenue and McHenry Avenue including addition of turn pockets, improvement of traffic signal and installation of train pre-emption system for BNSF railroad crossing.

California Street / McHenry Avenue Intersection

Relocate intersection of California Street and McHenry Avenue to include realignment of California Street to a new 4-way intersection of California Street, Weis Way and McHenry Avenue.

McHenry Avenue Widening

Widen from 2 to 4 lanes between Roosevelt Avenue and First Street including relocation of traffic signal at intersection of First Street and McHenry Avenue.

Escalon-Belota Road

Widen from 2 to 4 lanes between Mariposa Road and Escalon City limit.

Lathrop Planning Area:

Interstate 5 / Louise Avenue Interchange

Reconstruct interchange of I-5 and Louise Avenue.

Interstate 5 / Lathrop Road Interchange

Reconstruct interchange of I-5 and Lathrop Road.

Manteca Planning Area:

Route 120 / McKinley Avenue Interchange

Construct new interchange at Rt. 120 and McKinley Avenue.

Route 99 / Austin Road Interchange

Reconstruct interchange of Rt. 99 and Austin Road.

Louise Avenue

Improvements (Main to Rt. 99)

Route 120 / Main Street Interchange

Reconstruct interchange of Rt. 120 and Main Street.

Route 120 / Airport Way Interchange

Reconstruct interchange of Rt. 120 and Airport Way.

Route 120 / Union Road Interchange

Reconstruct interchange of Rt. 120 and Union Road.

Airport Way

Widen from 2 to 4 lanes between Lathrop Road and French Camp Road and from 4 to 6 lanes between French Camp Road and Arch Road

Lodi Planning Area:**Pine Street**

Widen from 2 to 3 lanes between Cherokee Lane and Beckman Road.

Victor Road

Widen from 2 to 4 lanes between Cherokee Lane and Cluff Avenue including construction of median.

Hutchins Street

Widen from 3 to 4 lanes between Kettleman Lane and Lodi Avenue.

Harney Lane

Widen from 2 to 4 lanes between Lower Sacramento Road and Rt. 99 including construction of raised landscaped median.

Ham Lane

Widen from 2 to 4 lanes between Lodi Avenue and Elm Street.

Central Avenue

Widen from 2 to 3 lanes between Kettleman Lane and Lodi Avenue including construction of raised landscaped median.

Route 99 / Kettleman Lane (Route 12 West) Interchange

Reconstruct interchange of Rt. 99 and Kettleman Lane (Rt. 12 West).

Route 99 / Harney Lane Interchange

Reconstruct interchange of Rt. 99 and Harney Lane.

Route 99 / Turner Road Interchange

Reconstruct interchange of Rt. 99 and Turner Road.

Turner Road

Widen from 2 to 4 lanes between I-5 and the Lodi City limits

Ripon Planning Area:

Stockton Avenue

Widen from 2 to 4 lanes between 2nd Street and 5th Street.

Route 99/ Main Street / UPRR Interchange

Reconstruct interchange of Rt. 99 and Main Street including reconstruction of Main Street overcrossing of UPRR and intersection improvements at Stockton Avenue and East Main Street.

Route 99/ Wilma Avenue / UPRR Interchange

Reconstruct interchange of Rt. 99 and Wilma Avenue including reconstruction of Wilma Avenue overcrossing of UPRR.

Route 99/ Jack Tone Road / UPRR Interchange

Equity adjustment for reconstructing the interchange of Rt. 99 and Jack Tone Road including reconstruction of Jack Tone Road overcrossing of UPRR.

Jack Tone Road

Widen from 2 to 4 lanes between Ripon City limits and Mariposa Road.

Stockton Planning Area:

Pacific Avenue

Widen from 6 to 8 lanes between the Calaveras River and Hammer Lane including reconstruction of intersections, addition of turn and acceleration/deceleration lanes, and reconstruction/extension of a raised landscaped median.

Thornton Road

Widen to 6 lanes between Bear Creek and Hammer Lane including reconstruction of intersections, addition of turn and acceleration/deceleration lanes, and construction of a raised landscaped median.

Eight Mile Road Expressway

Widen to 8 through lanes between I-5 and Rt.99 including reconstruction of intersections, addition of turn and acceleration/deceleration lanes, and construction of a raised median.

Airport Way

Reconstruct intersections, add turn lanes, and install traffic signal improvements between Harding Way and Industrial Drive

Mariposa Road

Widen from 2 to 4 lanes between Rt. 99 and Jack Tone Road.

Interstate 5 Widening and Access Improvements from French Camp Road To Route 12

Route 99 Widening and Access Improvements from French Camp Road to Eight Mile Road

All Interchange Projects In The Existing Measure K Program

Tracy Planning Area:

Corral Hollow

Widen from 2 to 4 lanes between Linne Road and Parkside Road including construction of median and sidewalk.

Mac Arthur Drive

Widen from 2 to 4 lanes between Valpico Road and Schulte Road including construction of median and sidewalk. Construct 4 lane extension of Mac Arthur Drive between Monte Diablo Road and Eleventh Street including construction of median and sidewalk.

Grant Line Road

Widen from 2 to 4 lanes between Parker and Mac Arthur Drive including construction of median and sidewalk.

Schulte Road

Construct 4 lane extension of Schulte Road between Corral Hollow Road and Lammers Road including construction of median and sidewalk.

Interstate 205 / Lammers Road Interchange

Construct new interchange of I-205 and Lammers Road.

Interstate 205 / Mac Arthur Drive Interchange

Improve ramps at interchange of I-205 and Mac Arthur Drive.

Eleventh Street

Improve roadway between Mac Arthur Drive and I-5 including installation of traffic signal and/or roundabout improvements at intersections, center median, and an eastbound auxiliary lane at selected areas of Eleventh Street corridor.

Linne Road

Widen from 2 to 4 lanes between Tracy Boulevard and Chrisman Road.

LOCAL STREET REPAIRS AND ROADWAY SAFETY

Cities and the County will share thirty-five percent (35%) of the net sales tax revenue for local street repairs, roadway safety and operations improvements as determined by the local jurisdiction. Local jurisdictions will receive an annual funding allocation on a formula basis according to a baseline allocation and the sales tax revenue increase over the baseline allocation. The baseline allocation is the highest annual total of Local Street Repair funding collected in either 2008, 2009, or 2010 divided 50% to San Joaquin County, 50% to the incorporated cities. Individual city allocations are by their proportionate share of the total incorporated population. The baseline allocation will be increased annually for inflation by 3% or the actual annual growth in sales tax revenue if the actual annual sales tax growth rate is below 3%. The increase over baseline allocation will be divided between all jurisdictions by population percentage of the total incorporated and unincorporated population. The County of San Joaquin is guaranteed an annual minimum of 40% of the combined Local Street Repair and Roadway Safety funding. This formula will be reviewed and, if necessary, revised after fifteen years. These funds must be used to augment current transportation spending and cannot be used to replace general fund expenditures.

Local Street Repair

Local Street Repair includes expenditures to rehabilitate local roadways as determined by the local jurisdiction. It is the intent of the California State Legislature and the Authority that revenues provided under this measure be used to supplement existing revenues being used for local street maintenance projects and programs.

Maintenance of Effort Policy:

- A JURISDICTION CANNOT REDIRECT MONIES CURRENTLY BEING USED FOR LOCAL STREET MAINTENANCE PURPOSES TO OTHER USES, AND THEN REPLACE THE REDIRECTED FUNDS WITH LOCAL STREET MAINTENANCE DOLLARS FROM THE RETAIL TRANSACTION AND USE TAX. To meet the requirements of state law, a jurisdiction must demonstrate maintenance or a minimum level of local street and road expenditures in conformance with procedures adopted in ordinance by the Authority. Monies from this program may not go to a city's or the County's "General Fund".
- The Authority shall annually update the base year and preceding three year base period for the establishment of an annual minimum based on the information available from the State Controller's Annual Report of Financial Transactions for Streets and Roads.
- An annual independent audit will be conducted to verify that the Maintenance of Effort requirements were met by the local jurisdictions. Any local jurisdiction which does not meet its Maintenance of Effort requirement in any given year may have its Local Street Repair funding reduced in the following year by the amount by which the jurisdiction did not meet its required Maintenance of Effort. Such funds shall be redistributed to the remaining eligible jurisdictions.
- A jurisdiction may use monies from this source to offset the loss of traffic fee revenue from exempted "affordable housing units" as defined in the Regional Fair Share Housing Plan.
- Local jurisdictions may "lend" any of their allocation to another agency so that projects could be expedited as long as a formal agreement is executed by all agencies involved and is approved by the Authority.

Roadway Safety

Roadway Safety includes expenditures to promote safety improvements on local roadways as determined by the local jurisdiction. Local jurisdictions will provide an annual report of roadway safety projects completed with Roadway Safety funding as part of the annual independent audit of maintenance of effort for Local Street Repair funding.

Eligible projects that may be funded under this program include, but are not limited to:

- Median barriers and guard rails
- Roadway shoulders
- Traffic signal synchronization
- Acceleration/deceleration lanes
- Emergency vehicle traffic signal pre-emption systems
- Raised fog reflectors
- Turn lanes and pockets
- Safe routes to schools
- Roadway realignments

PASSENGER RAIL, BUS AND BICYCLES

Thirty percent (30%) of the net sales tax revenue generated in the Measure K program will be allocated for passenger rail transit, bus transit, and pedestrian/bicycle projects. The objective of this category is to provide alternatives to the use of automobiles as a means of intercity and commute transportation. This is an important step in improving air quality in addition to enhancing the mobility of persons without access to private automobiles, the elderly, and persons with disabilities of San Joaquin County. It is the intent to use sales tax revenue to match and supplement state and federal funds. All investments in capital items or facilities will be within San Joaquin County or directly service the interests of San Joaquin County residents.

Passenger Rail Transit

Passenger Rail Transit includes expenditures to promote and upgrade commuter rail service provided by the Altamont Commuter Express (ACE) service. This category is intended primarily for capital purchases. Eligible costs include operations. The two primary corridors identified for rail service are:

1. Stockton – Bay Area
2. Modesto – Stockton – Sacramento

Eligible projects that may be funded under this program include, but are not limited to:

- ACE stations
- Track improvements
- Locomotives and rail passenger cars
- Grade crossing controls
- Connections to BART and other transit systems
- Service planning and studies

Bus Transit

Bus Transit includes interregional/intra-city commute, inter-city, and elderly/persons with disabilities bus service. Inter-city and Elderly/Persons with Disabilities Service promotes both bus service between the cities within San Joaquin County for all trip purposes and specialized elderly/persons with disabilities bus service throughout San Joaquin County. Interregional/Intra-city Commute Service includes bus programs to promote peak hour, commute service. To address needs in the next two funding categories, the Authority shall prepare and update every five years a 20-year Regional Transit Systems Plan to allocate monies from this program to promote the ridership on and the efficiency of peak hour, commute time and intercity bus service. The San Joaquin Regional Transit District is to receive a minimum of 50% of the funds allocated from this program for implementing the projects identified above in conformance with the Regional Transit Systems Plan. Local jurisdiction transit programs are eligible to apply for funding provided that, with the exception of local jurisdictions less than 75,000 in population, the San Joaquin Regional Transit District and the San Joaquin Regional Rail Commission, none of their Transportation Development Act (TDA) local transportation funding (LTF) is claimed or reclaimed under Public Utilities Code, Chapter 4, Article 8, Section 99400a for local streets and roads purposes, excluding pedestrian and bicycle facilities.

Interregional/Intra-City Commute Service

These funds are to provide additional peak hour service to foster more commute trip making on transit. Funding would be available for both capital and operations. Funding could go towards any project that promotes the use of alternative transportation during the commute hours and is available to local jurisdictions providing bus transit service. This funding category is to supplement existing service, not to replace funding for existing service. This program is also available for facilities and the promotion of rideshare alternatives such as carpools, vanpools, and buspools.

Eligible projects that may be funded under this program include, but are not limited to:

- Bus service to employment centers in other counties such as Alameda, Sacramento and Stanislaus.
- Bus service to regional education centers.
- Greater frequencies on existing peak hour intra-city bus routes.
- Express Bus Service on I-5 and Route 99
- Region-wide ride share program
- Park and ride lot locations in San Joaquin County
- Bus Rapid Transit operations

Inter-City and Elderly/Persons with Disabilities Transit

Eligible projects that may be funded under this program in the following priority order include, but are not limited to:

- Inter-city bus service between Stockton and the Cities of Lodi, Manteca, Lathrop, Tracy, Escalon and Ripon for all trip purposes.
- Capital purchases such as vehicles for providing transit service in all communities to the elderly, persons with disabilities, and the transportation disadvantaged.
- Operating expenses for transit service to the elderly, persons with disabilities, and the transportation disadvantaged.
- Bus Rapid Transit operations

Bus Rapid Transit Capital

Bus Rapid Transit provides express bus service with fewer stops and higher frequencies that are similar to light rail. Bus Rapid Transit requires priority to be given to buses through traffic signal priority and could allow buses to run on designated high occupancy roadway lanes or separate lanes, including off roadway corridors. Bus Rapid Transit can include interregional/intra-city commute, inter-city, and elderly/persons with disabilities bus service. Bus Rapid Transit Capital provides funding specifically for infrastructure to support Bus Rapid Transit service. Local jurisdiction transit programs are eligible to apply for funding provided that, with the exception of local jurisdictions less than 75,000 in population, the San Joaquin Regional Transit District and the San Joaquin Regional Rail Commission, none of their Transportation Development Act (TDA) local transportation funding (LTF) is claimed or reclaimed under Public Utilities Code, Chapter 4, Article 8, Section 99400a for local streets and roads purposes, excluding pedestrian and bicycle facilities.

Eligible projects that may be funded under this program include, but are not limited to:

- Dedicated bus lanes

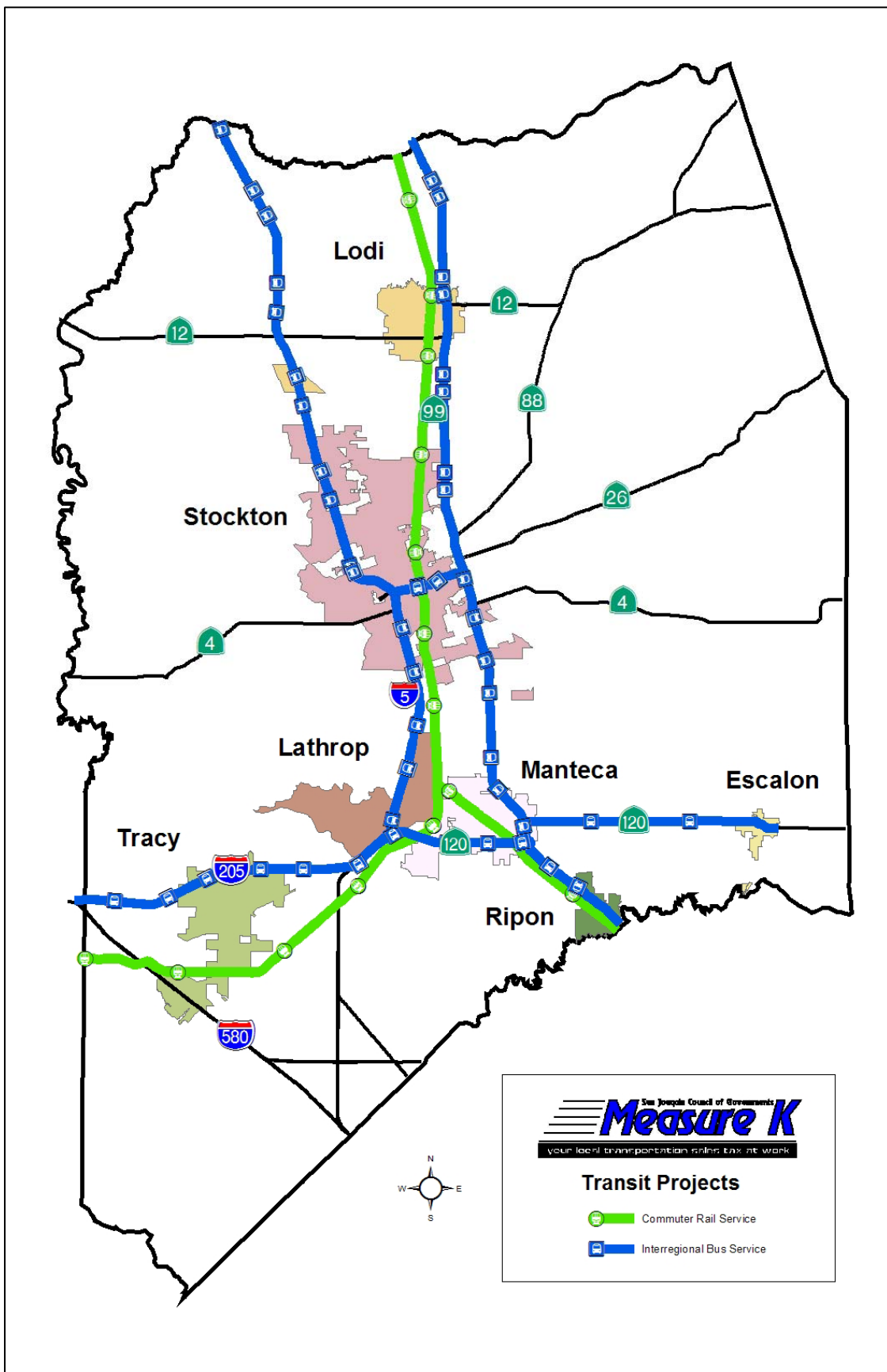
- Stations
- Turnouts
- Fare collection systems
- Traffic signal pre-emption systems for buses

Pedestrian and Bicycle Facilities

These funds are to expand and enhance pedestrian and bicycle safety and facilities within San Joaquin County. These projects may include improving existing pedestrian and bicycle facilities and/or planning, developing, and constructing new facilities. Sixty percent (60%) of the funds will be allocated according to a competitive grant process. Forty percent (40%) of the funds will be allocated to the local jurisdictions according to their proportionate share of the total incorporated and unincorporated population. All local jurisdictions, the San Joaquin Regional Transit District, and the San Joaquin Regional Rail Commission are eligible to apply for the competitive funding. It is intended that these funds be used to match federal, state, local, and private funding to maximize the number of improvements to be implemented.

Eligible projects that may be funded under this program include, but are not limited to:

- Bicycle commute facilities on separate rights-of-way
- Recreational pedestrian and bicycle facilities
- Traffic calming devices
- Cross walks
- Pedestrian/bicycle overcrossings
- Safe routes to schools



RAILROAD CROSSING SAFETY

Two and one-half percent (2.5%) of the net revenue generated under this measure will be allocated to railroad crossing safety projects. Railroad crossing safety projects include grade separation facility projects, meant to separate local roads and streets from railroads, as well as at-grade improvements. Grade separations can be done through the construction of overpasses or underpasses. Funds will be used to match state and local revenues to fund the following list of eligible railroad crossing safety projects. The Authority will adopt criteria to prioritize the listing.

Escalon Planning Area:

Escalon BNSF Crossing

Construct grade separation or at-grade improvements of BNSF railway crossing at location in City of Escalon to be determined through local arterial circulation analysis.

Lathrop Planning Area:

Lathrop Road / UPRR (Westerly)

Construct grade separation of roadway and railway.

Manteca Planning Area:

Airport Way / UPRR

Construct at-grade improvements of railway crossing.

Lodi Planning Area:

Harney Lane / UPRR

Construct grade separation of roadway and railway.

Lodi Avenue / UPRR

Construct safety improvements of railway crossing.

Lower Sacramento Road / UPRR (near Woodson Road)

Construct grade separation of roadway and railway.

Davis Road / UPRR

Construct grade separation of roadway and railway.

Turner Road / UPRR

Construct grade separation of roadway and railway.

Ripon Planning Area:

Route 99 / Main Street / UPRR

Reconstruct overcrossing of railway as part of interchange reconstruction project.

Route 99 / Wilma Road / UPRR

Reconstruct overcrossing of railway as part of interchange reconstruction project.

Stockton Planning Area:

Eight Mile / UPRR (Westerly)

Construct grade separation of roadway and railway.

Eight Mile / UPRR (Easterly)

Construct grade separation of roadway and railway.

Airport Way / BNSF

Construct at-grade improvements of railway crossing.

8th Street / UPRR

Construct grade separation of roadway and railway.

Lower Sacramento Road / UPRR

Construct grade separation of roadway and railway.

Morada Lane / UPRR (Westerly)

Construct grade separation of roadway and railway.

West Lane / UPRR

Construct grade separation of roadway and railway.

Alpine Road / UPRR (Westerly)

Construct grade separation of roadway and railway.

Alpine Road / UPRR (Easterly)

Construct grade separation of roadway and railway.

Tracy Planning Area:

Chrisman Road / UPRR

Construct grade separation of roadway and railway.

ADMINISTRATION

LOCAL TRANSPORTATION AUTHORITY ADMINISTRATION

The Authority will hire the staff and professional assistance required to administer the proceeds of the tax and carry out the mission outlined in this Expenditure Plan.

- The total administrative cost of salaries and benefits of the staff of the Authority shall not exceed one percent (1%) of the gross revenues generated by the measure. These costs include salaries, wages, benefits, overhead, auditing and those services including contractual services necessary to administer this Plan.
- An annual independent audit shall be conducted to assure that the revenues expended by the Authority under this section are necessary and reasonable in carrying out its responsibilities under the Ordinance.
- The Authority will prepare an annual report, identifying the total expenditures for administration, as well as other costs associated with delivering the program.
- An annual budget will be adopted by the Authority each year. The budget will project the expected sales tax receipts, other anticipated funds, and planned expenditures for administration, programs, and projects. The Strategic Plan can serve as the budget.

AUTHORITY COMMITTEES

The following committee structure will advise the Authority in the administration of the Expenditure Plan.

- **The Management and Finance Committee** will guide administrative and financial decisions of the Local Transportation Authority and is to be composed of City Managers and the County Administrator.
- **The Technical Advisory Committee** will serve as the Authority's technical advisory committee and be composed of Directors from the area Public Works Departments, Planning Departments, Caltrans' District 10, the Stockton Metropolitan Transit District, the Air Pollution Control District, and any other agency the Authority so names.
- **The Citizens Advisory Committee** will serve to provide community input on project priorities, scheduling, amendments, and any other activity the Authority so designates. The Authority must create a Citizens Review Committee that fairly represents the geographical, social, cultural, and economic mix of the region.

STRATEGIC PLAN

The Authority will prepare a Strategic Plan every two years. The Strategic Plan will be the master document for delivery of the Expenditure Plan projects and can be amended at any time. The purposes of the Strategic Plan are as follows:

- Defines the scope, cost, and schedule of each project
- Identifies accomplishments and critical issues
- Lists a set of amendments to these projects
- Details the revenue projections and possible financing tools needed to deliver the Expenditure Plan
- Gathers into one document the policies and procedures of the Expenditure Plan
- Serve as annual budget

AMENDMENTS TO THE EXPENDITURE PLAN

The Authority may annually review and propose amendments to the Expenditure Plan to provide for the use of additional federal, state and local funds, to account for unexpected revenues, or to take into consideration unforeseen circumstances. The Authority shall act on only one package of amendments per fiscal year. Amendments to the Expenditure Plan must be passed by a two thirds majority of the Authority. The Authority shall notify the Board of Supervisors, the City Council of each city in the county and provide each entity with a copy of the proposed amendment(s). Pursuant to Public Utilities Code 180207, proposed amendment(s) shall become effective 45 days after notice is given, unless appealed under the process outlined in the Ordinance. The Authority shall hold a public hearing on the proposed amendment(s) within this 45 day period.

MANDATORY DEVELOPMENT FEES

All communities in San Joaquin County must have adopted both a local development fee program for traffic mitigation and the Regional Transportation Impact Fee. The Authority shall develop criteria for what qualifies as a local traffic mitigation fee and the Regional Transportation Impact Fee. Should a jurisdiction not have a qualifying local traffic impact mitigation fee and the Regional Transportation Impact Fee in place by the last day of the fiscal year, then all revenue apportioned to that community under the Local Street Repair Program will be reapportioned for the following fiscal year among all the eligible jurisdictions based on the adopted formula.

TAXPAYER ACCOUNTABILITY SAFEGUARDS

LEGAL DEDICATION OF FUNDS

Measure K funds may only be used for transportation purposes as described in the local ordinance governing this program, including the construction, environmental mitigation of transportation projects, capital activities, acquisition, maintenance, and operation of streets, roads, highways, including state highways and public transit systems and for related purposes. These purposes include but are not limited to expenditures for the planning, environmental reviews, engineering and design costs, related right-of-way acquisition, and construction, engineering and administration.

MANDATORY ANNUAL FISCAL AUDIT

No less than annually, the Authority shall conduct an independent fiscal audit of the expenditure of all sales tax funds raised by this measure. The audit, which shall be made available to the public, shall report on evidence that the expenditure of funds is in accordance with the San Joaquin County Transportation Improvement Plan as adopted by the voters in approving the sales tax measure on November 2, 2006. In addition, the audit shall determine that Maintenance of Effort requirements and local government participation in both the Regional Transportation Impact Fee Program as well as a local developer fee program for traffic mitigation. The audit shall also insure that no more than one percent (1%) of total sales tax expenditures is used for administrative staff salaries and benefits in implementing this Plan.

MANDATORY PLAN UPDATE AND TERMINATION OF SALES TAX

This Plan shall be updated by Authority every ten years that the sales tax is in effect to reflect current and changing priorities and needs in the County, as defined by the duly elected local government representatives on the Authority Board. Any changes to this Plan must be adopted in accordance with current law in effect at the time of the update and must be based on findings of necessity for change by the Authority. The sales tax authorized to be collected by the voters shall be terminated on March 31, 2041, unless reauthorized by the voters to extend the sales tax prior to the termination date as required under state law in effect at the time of the vote for extension. For the purpose of this and future sales tax extensions, sales tax collected under this plan may be used to reimburse the Authority for costs associated with drafting a successor plan, conducting a Programmatic Environmental Impact Report, and the election.

**MEASURE K RENEWAL
CONGESTION RELIEF ~ LOCAL ROADWAY IMPROVEMENTS (Lodi Area only)**

6-Mar-06

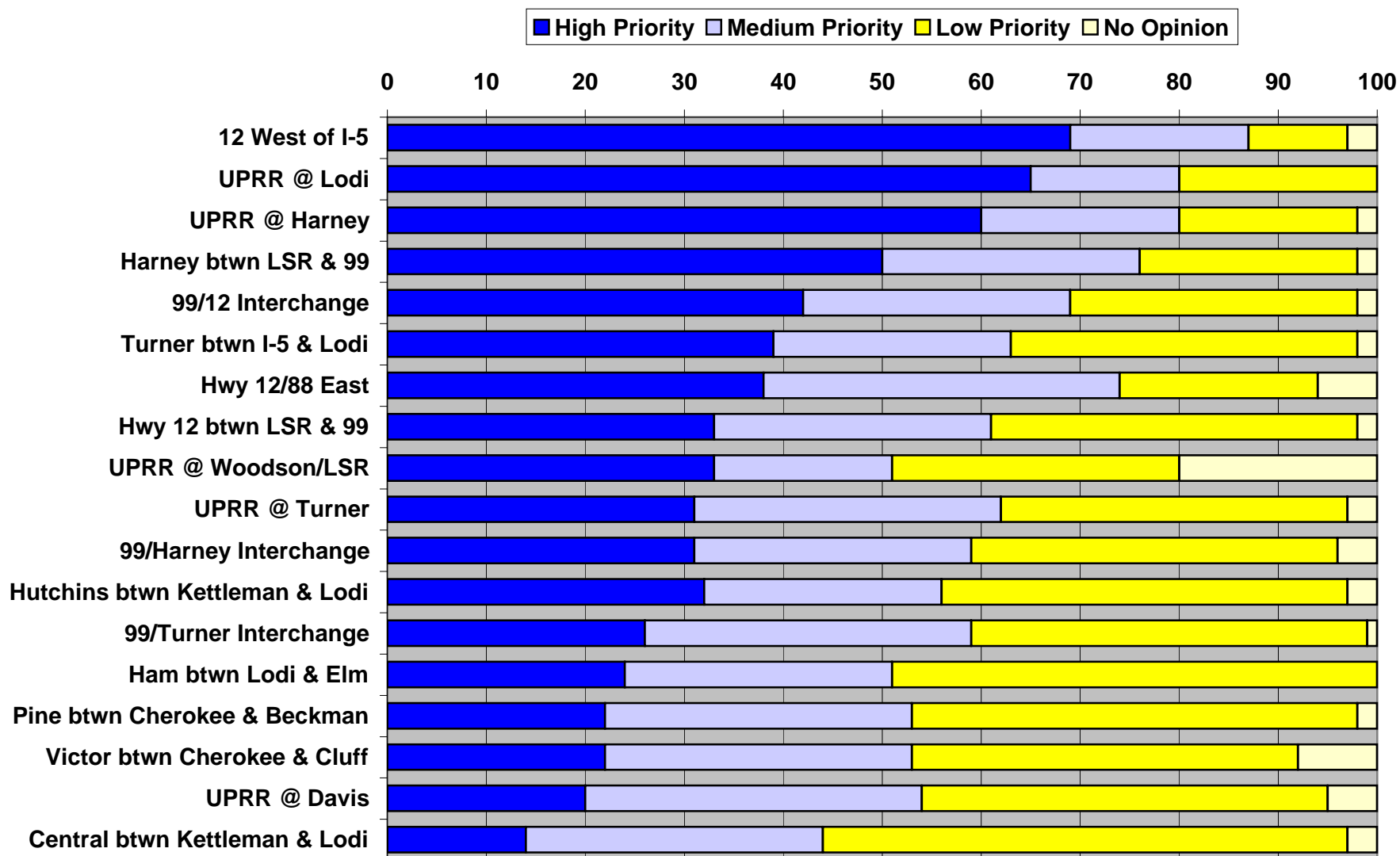
Note: Projects shown in italics are not as shown in draft plan; will need City Council and SJCOG Board action to change as shown

		Current funding sources					
Description		Estimated Cost	MK Renewal	Lodi IMF	RTIF	Other	Notes
State Highway Projects							
Route 12	Lower Sacramento Rd to Route 99, 4 to 6 lanes	\$15,000,000	X	X		X	
Route 12	I-5 to Lower Sacramento Road, 2 to 4 lanes	\$48,000,000	X			X	1)
Route 99	Kettleman Lane SR 12 (West) Interchange	\$25,000,000	X	X	X	X	2)
Total:		\$88,000,000					
Local Roadway Projects							
Pine Street	Widen to 3 lanes Cherokee to Beckman	\$455,000	X				3)
Victor Rd. (Hwy 12 East)	Widen to 4 lanes Cherokee to Cluff	\$1,945,000	X	X	X	X	
Victor Rd. (Hwy 12 East)	Widen to 4 lanes Cherokee to East GP limits and capacity, signalization & safety improvements at Hwy 99.	\$5,600,000	X	X	X	X	4)
Hutchins Street	Widen to 4 lanes Kettleman to Lodi	\$2,260,000	X				
Harney Lane	Widen to 4 lanes Lwr Sac Rd to Route 99	\$12,249,000	X	X	X	X	
Ham Lane	Widen to 4 lanes Lodi to Elm	\$1,132,000	X			X	
Central Ave	Widen to 3 lanes Kettleman to Lodi	\$3,425,000	X			X	5)
Route 99	Harney Lane Interchange Reconstruction	\$20,000,000	X			X	
Route 99	Turner Road Interchange Reconstruction	\$40,000,000	X	X		X	6)
Route 99	Turner Rd. Interchange capacity, signalization & safety improvements	\$6,000,000	X	X		X	7)
Total:		\$81,466,000	for list in draft Expenditure Plan w/o 99/12 interchange				
Revised Total:		\$47,696,000	with recommended revisions				
Projected Revenue							
Total Estimated Congestion Relief Category Funding:		\$ 820,000,000					
40% To Local Roadway Projects		\$ 328,000,000					
10% To Lodi Planning Area Projects		\$ 32,800,000	Estimated based on current population share				

Notes on Recommended Actions

- 1) Add to State Highway List
- 2) Move from Local List to State Highway List
- 3) List does not include Turner Rd widening 2 to 4 lanes btwn. I-5 and Lodi City limits; project would be with SJ County local projects
- 4) Extend limits and add interchange related improvements
- 5) Delete Central Avenue project from this category
- 6) Delete interchange reconstruction; describe as interchange improvements
- 7) Estimate is very rough

M K Renewal Poll ~ Lodi Area Projects





CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Authorization of a Memorandum of Understanding with Michael/David Winery and Jesse's Grove Winery to Truck Industrial Effluent to the Lodi Industrial Wastewater Treatment Plant in Exchange for Charging the Established Industrial Rate Plus a 50% Surcharge and Opening a Joint Downtown Wine Tasting Room.

MEETING DATE: March 15, 2006

PREPARED BY: City Manager

RECOMMENDED ACTION: Authorize the City Manager to execute a Memorandum of Understanding with Michael/David Winery and Jesse's Grove Winery to receive trucked industrial effluent at the established industrial rate charge, plus a 50% surcharge, and the requirement to open a joint downtown wine tasting room.

SUMMARY: Several years ago, the City Council voted to allow wineries to truck winery waste and deposit it into Lodi's domestic wastewater treatment system. Last June, as an incentive to attract a wine tasting room downtown, the City Council voted to allow Van Ruiten Winery to connect to the City's industrial wastewater treatment system. Very few deliveries, less than five, of trucked winery waste have been made to the City's domestic wastewater treatment system. The cost of treatment in the City's domestic wastewater system is prohibitive. It is cheaper to bypass Lodi and haul wastewater to the East Bay Municipal Utilities District plant near the Oakland Bay Bridge. Two smaller family wineries, Michael/David and Jesse's Grove, are requesting that they be allowed to bring trucked waste to the industrial wastewater treatment system and pay the same costs as Van Ruiten Winery. Also, Michael/David and Jesse's Grove have asked to establish a joint tasting room downtown along with Van Ruiten. In meetings with the City Manager and other City staff, the wineries have put forth a convincing argument that the quality of a wine tasting room and the chances of success would be higher if the three wineries could pool their resources in a downtown tasting room.

BACKGROUND INFORMATION: On June 5, 2002, the City Council authorized the Public Works Director to accept winery effluent at the White Slough Wastewater Pollution Control Facility as domestic waste. On June 15, 2005, the City Council approved an agreement with Van Ruiten Family Winery which allowed Van Ruiten to connect to the City's industrial wastewater treatment system in exchange for paying the industrial wastewater rates plus a surcharge of 50%, and the requirement to open a 500 square foot wine tasting room in downtown Lodi. The action was taken in order to advance the General Plan goals of promoting agricultural uses of the land outside the City and revitalizing downtown. Now, staff is recommending that the Council allow two wineries, Michael/David and Jesse's Grove Winery, to truck waste and discharge to the City's industrial wastewater system, charge the same rate as the Van Ruiten Family Winery is being charged, and open a minimum 2,000 square foot joint tasting room that would be shared by Michael/David, Jesse's Grove, and Van Ruiten Family Wineries.

APPROVED: _____
Blair King, City Manager

Staff's recommendation is based on the following points and observations:

- Lodi treats domestic and industrial waste separately. The industrial waste, which consists of primarily of cannery waste, is cheaper to treat. Limited amounts of winery waste can be accommodated in the industrial waste treatment system. The amount requested by Michael/David and Jesse's Grove is less than one percent of the annual industrial system flow. The proposal contemplates that all capacity and industrial treatment costs, plus an additional 50% surcharge, will be paid by the wineries.
- The City Council's action in 2002 allowed wineries to truck waste to the City's domestic system, but did not seek to leverage the City's domestic waste system for any other economic development goal.
- The Gruen and Gruen Downtown Strategy adopted in 1998 recommends bringing wine related programs and food service downtown. (Gruen+Gruen Associates, January 1998, p. xii) Freedman Tung & Bottomley recommended that incentive and financing programs be used to incentive businesses to locate downtown. (Central City Revitalization Program, p. 9)
- The wineries collectively have presented a business plan to the City Manager that provide for an approximately 2,000 square foot wine tasting room that would highlight the following features; these features and the size of the facility could not be accomplished without the collective pooling of financial resources:
 - Tenant improvements in a downtown retail location;
 - Extended hours of operation - Sunday, Tuesday, and Wednesday from 11:00 to 5:00 and Thursday, Friday and Saturday from 11:00 to 8:00;
 - A demonstration kitchen for special events;
 - A conference room/wine library for meetings and educational seminars that would be also available for business meetings;
 - Inside and outside seasonal seating for patrons; and
 - Extensive non-wine related merchandise.

The total number of wineries participating in this joint tasting room would be limited to five family-owned wineries. It is anticipated that only the three referenced wineries will request wastewater treatment services.

The wineries have made the request to pool financial resources in order to reduce the element of risk and increase the probability of success. They point out that the proposal for downtown wine tasting has not been tested in Lodi and the market is not yet known. The wineries anticipate a net operating loss based upon the tasting room alone.

It is still the hope and goal of staff that tasting rooms downtown will prove successful and other wineries will follow without the need of incentives. These tasting rooms will serve as a catalyst for other economic activity, such as restaurants and art galleries. However, if the first venture is not successful, staff is fearful that other wineries will not want to invest in downtown tasting rooms. Downtown tasting rooms are not consistent with the "country experience" many wineries seek to cultivate. As such, staff strongly supports the concept of making this first tasting room as robust as possible.

If the Council should approve the agreements, the tasting room must be established and open for business before delivery of trucked effluent. By comparison, the Van Ruiten agreement requires the tasting room open within 12 months of connection (November 2005) and allows an in-lieu payment for a six-year period if the tasting room is not opened.

The proposed Memorandums of Understanding are attached.

FISCAL IMPACT: The wineries will pay a proposed combined capacity fee of \$23,290. The annual combined sewer charges will be approximately \$5,158, of which approximately half (50%) will be a payment to the General Fund. It is expected that the City will realize approximately \$1,000 in additional sales tax from the sale of non-wine merchandise. However, the real financial benefit is the destination draw that the wine tasting room will create for downtown.

FUNDING: Not Applicable

Ruby Paiste, Interim Finance Director

Blair King, City Manager

**Jesse's Grove Winery
Industrial Waste Connection Memorandum of Understanding**

THIS AGREEMENT is entered into this ____ day of _____, 2006, (the "Effective Date"), between JESSE'S GROVE WINERY, LLC ("Winery") and the CITY OF LODI, a municipal corporation organized and existing under the laws of the State of California ("City").

RECITALS

This Agreement is predicated upon the following findings:

A. Winery is the owner of a Wine Production Facility located at 1973 West Turner Road, San Joaquin County, California which is outside the corporate limits of the City of Lodi. Winery intends to submit an application to truck in their Industrial effluent to the City's Industrial Wastewater Treatment Plant. ("Project").

B. As more fully detailed in Ordinance No. 1764, the City, through its general plan is committed to encouraging agricultural uses in the area surrounding the City and discouraging urban uses. Providing industrial sewer service to wineries encourages agricultural uses by making them more economical.

NOW THEREFORE, the parties agree as follows:

1. Definitions. Unless otherwise defined in this agreement, all capitalized terms will have the definitions ascribed to them in Lodi Municipal Code Section 13.12.020.
 - a. "Downtown Lodi" means the area bordered by Church Street, Lodi Avenue, Union Pacific Railroad and Lockeford Street.
2. Terms of Connection. Any delivery of trucked effluent permitted pursuant to the Agreement shall be subject to the following minimum terms:
 - a. Permit: Winery shall comply with the terms of the Industrial System Discharge Permit to be issued by the City which will include but not be limited to limitations on maximum flow, BOD, ph, TDS and suspended solid concentrations and prohibitions on discharge of hazardous waste in conformance with the City's NPDES Permit. Winery will only be allowed to dispose of Industrial Waste water. No sanitary waste will be delivered to the City's Industrial Waste Water Treatment Plant.
 - b. Volume: The volume of effluent shall not exceed 500,000 gallons per year and 375,000 gallons between September 1 and May 31, unless otherwise approved by the Public Works Director pursuant to LMC 13.12.200 et seq..

- c. **Rate/Surcharge:** Winery's charge for trucked effluent will be as established by the City for Industrial Waste system customers plus a 50% surcharge at the current rates. Current annual charge based on 500,000 gallons with a BOD of 8,170 mg/L is \$2,150.00 including the surcharge.
 - d. **Capacity Charge:** Winery shall pay a one-time capacity charge of \$9,721.00 upon delivery of first load of trucked effluent. Additional one time capacity charges at the current City rates will apply for each increment of effluent over 500,000 gallons.
 - e. **Downtown Tasting Room:** Winery shall open and operate a tasting room in Downtown Lodi during the entire term of its trucked effluent disposal agreement with the City. The tasting room shall be operated within the following minimum requirements:
 - i) The wine tasting room must be established and open for business before delivery of trucked effluent.
 - ii) The tasting room shall be at least 500 square feet and have wine available for tasting and sale, wine related merchandise for sale and be open a minimum of 40 hours per week, including Saturday and Sunday.
 - iii) If Downtown Tasting Room closes, this Agreement will terminate and the City will not consider a new agreement to treat winery's effluent for 12 months from the closure date.
 - f. The agreement cannot be assigned and is only for the use of the Winery.
3. **Binding Effect of Agreement.** Winery's obligations under paragraph two of this Agreement will only be triggered if all approvals necessary to secure that the trucked effluent disposal agreement is secured.
 4. **Reimbursement.** Winery shall reimburse the City for all costs incurred by the City in connection with the Project. The City will provide Winery with an estimate of these costs in advance of delivery of trucked effluent. Winery shall deposit the estimate with the City within 30 days of receiving the estimate. City will bill all costs against the deposit. In the event the deposit is exceeded, Winery shall pay the difference to the City within 30 days of notice. Any excess will be refunded to Winery within 30 days.
 5. **Delivery.** Winery shall be solely responsible for delivering the trucked effluent to Lodi's Industrial Waste Water Treatment Plant.
 6. **Relationship of Parties.**
 - a. It is understood that the contractual relationship between the City and Winery is such that Winery is an independent contractor and not the agent of the City; and nothing herein shall be construed to the contrary.

- b. City and Winery agree that nothing contained herein or in any document executed in connection herewith shall be construed as making Winery and City joint venturers or partners.
 - c. This Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision in this Agreement.
- 7. No Entitlements Granted. Nothing in this Agreement shall provide Winery with any right to secure approval of any connection or other entitlement. In addition, Winery agrees that it will have no rights to: select the Environmental Review Consultant, if one is required; or direct the work, response times, recommendations or approvals of the Consultant.
- 8. Notices. All notices required or provided for under this Agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid, return receipt requested, to the principal offices of the City and Winery and its representative and Winery's successors and assigns. Notice shall be effective on the date it is delivered in person, or the date when the postal authorities indicate the mailing was delivered to the address of the receiving party indicated below:

Notice to City: City of Lodi
City Manager
221 W. Pine Street
Lodi, CA 95240

Notice to Winery: Jesse's Grove Winery, LLC
1973 West Turner Road
Lodi, CA 95242

- 9. Indemnification, Defense and Hold Harmless.
 - a. Winery agrees to and shall indemnify, defend and hold the City, its council members, officers, agents, employees and representatives harmless from liability for damage or claims of damage, for personal injury, including death, and claims for property damage which may arise from this agreement.
 - b. Winery's obligation under this section to indemnify, defend and hold harmless the City, its council members, officers, agents employees, and representatives shall not extend to liability for damage or claims for damage arising out of the sole negligence or willful act of the City, its council members, officers, agents, employees or representatives. In addition, Winery's obligation shall not extend to any award of punitive damages against the City resulting from the conduct of the City, its council members, officers, agents, employees or representatives.

- c. With respect to any action challenging the validity of this Agreement or any environmental, financial or other documentation related to approval of this Agreement, Winery further agrees to defend, indemnify, hold harmless, pay all damages, costs and fees, if any incurred to either the City or plaintiff (s) filing such an action should a court award plaintiff(s) damages, costs and fees, and to provide a defense for the City in any such action.

IN WITNESS WHEREOF this Agreement has been executed by the parties on the day and year first above written.

CITY OF LODI, a municipal corporation

JESSE'S GROVE WINERY, LLC

BLAIR KING
City Manager

By: _____
Its: _____

ATTEST:

SUSAN J. BLACKSTON
City Clerk

APPROVED AS TO FORM:

D. STEPHEN SCHWABAUER
City Attorney

Michael/David Winery
Industrial Waste Connection Memorandum of Understanding

THIS AGREEMENT is entered into this ____ day of _____, 2006, (the "Effective Date"), between MICHAEL/DAVID WINERY, LLC ("Winery") and the CITY OF LODI, a municipal corporation organized and existing under the laws of the State of California ("City").

RECITALS

This Agreement is predicated upon the following findings:

A. Winery is the owner of a Wine Production Facility located at 4580 W. Highway 12, San Joaquin County, California which is outside the corporate limits of the City of Lodi. Winery intends to submit an application to truck in their Industrial effluent to the City's Industrial Waste Water Treatment Plant. ("Project")

B. As more fully detailed in Ordinance No. 1764, the City, through its general plan is committed to encouraging agricultural uses in the area surrounding the City and discouraging urban uses. Providing industrial sewer service to wineries encourages agricultural uses by making them more economical.

NOW THEREFORE, the parties agree as follows:

1. Definitions. Unless otherwise defined in this agreement, all capitalized terms will have the definitions ascribed to them in Lodi Municipal Code Section 13.12.020.
 - a. "Downtown Lodi" means the area bordered by Church Street, Lodi Avenue, Union Pacific Railroad and Lockeford Street.
2. Terms of Connection. Any delivery of trucked effluent permitted pursuant to the Agreement shall be subject to the following minimum terms:
 - a. Permit: Winery shall comply with the terms of the Industrial System Discharge Permit to be issued by the City which will include but not be limited to limitations on maximum flow, BOD, ph, TDS and suspended solid concentrations and prohibitions on discharge of hazardous waste in conformance with the City's NPDES Permit. Winery will only be allowed to dispose of Industrial Waste water. No sanitary waste will be delivered to the City's Industrial Waste Water Treatment Plant.
 - b. Volume: The volume of trucked effluent shall not exceed 700,000 gallons per year and 525,000 gallons between September 1 and May 31, unless otherwise approved by the Public Works Director pursuant to Lodi Municipal Code 13.12.200 et seq..
 - c. Rate/Surcharge: Winery's charge for trucked effluent will be as established by the City for Industrial Waste system customers plus a 50%

surcharge at the current rates. Current annual charge based on 700,000 gallons with a BOD of 8,170 mg/L is \$3,008.00 including the surcharge.

- d. Capacity Charge: Winery shall pay a one-time capacity charge of \$13,569.00 upon delivery of the first load of trucked effluent. Additional one time capacity charges at the current City rates will apply for each increment of effluent over 700,000 gallons.
 - e. Downtown Tasting Room: Winery shall open and operate a tasting room in Downtown Lodi during the entire term of its trucked effluent disposal agreement with the City. The tasting room shall be operated within the following minimum requirements:
 - i) The wine tasting room must be established and open for business before delivery of trucked effluent.
 - ii) The tasting room shall be at least 500 square feet and have wine available for tasting and sale, wine related merchandise for sale and be open a minimum of 40 hours per week, including Saturday and Sunday.
 - iii) If Downtown Tasting Room closes, this Agreement will terminate and the City will not consider a new agreement to treat winery's effluent for 12 months from the closure date.
 - f. The agreement cannot be assigned and is only for the use of Winery.
- 3. Binding Effect of Agreement. Winery's obligations under paragraph two of this Agreement will only be triggered if all approvals necessary to secure that the trucked effluent disposal agreement is secured.
 - 4. Reimbursement. Winery shall reimburse the City for all costs incurred by the City in connection with the Project. The City will provide Winery with an estimate of these costs in advance of delivery of trucked effluent. Winery shall deposit the estimate with the City within 30 days of receiving the estimate. City will bill all costs against the deposit. In the event the deposit is exceeded, Winery shall pay the difference to the City within 30 days of notice. Any excess will be refunded to Winery within 30 days.
 - 5. Delivery. Winery shall be solely responsible for delivering the trucked effluent to Lodi's Industrial Waste Water Treatment Plant.
 - 6. Relationship of Parties.
 - a. It is understood that the contractual relationship between the City and Winery is such that Winery is an independent contractor and not the agent of the City; and nothing herein shall be construed to the contrary.

- b. City and Winery agree that nothing contained herein or in any document executed in connection herewith shall be construed as making Winery and City joint venturers or partners.
 - c. This Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision in this Agreement.
- 7. **No Entitlements Granted.** Nothing in this Agreement shall provide Winery with any right to secure approval of any connection or other entitlement. In addition, Winery agrees that it will have no rights to: select the Environmental Review Consultant, if one is required; or direct the work, response times, recommendations or approvals of the Consultant.
- 8. **Notices.** All notices required or provided for under this Agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid, return receipt requested, to the principal offices of the City and Winery and its representative and Winery's successors and assigns. Notice shall be effective on the date it is delivered in person, or the date when the postal authorities indicate the mailing was delivered to the address of the receiving party indicated below:

Notice to City: City of Lodi
City Manager
221 W. Pine Street
Lodi, CA 95240

Notice to Winery: Michael/David Winery, LLC
4580 West Highway 12
Lodi, CA 95242

- 9. **Indemnification, Defense and Hold Harmless.**
 - a. Winery agrees to and shall indemnify, defend and hold the City, its council members, officers, agents, employees and representatives harmless from liability for damage or claims of damage, for personal injury, including death, and claims for property damage which may arise from this agreement.
 - b. Winery's obligation under this section to indemnify, defend and hold harmless the City, its council members, officers, agents employees, and representatives shall not extend to liability for damage or claims for damage arising out of the sole negligence or willful act of the City, its council members, officers, agents, employees or representatives. In addition, Winery's obligation shall not extend to any award of punitive damages against the City resulting from the conduct of the City, its council members, officers, agents, employees or representatives.

- c. With respect to any action challenging the validity of this Agreement or any environmental, financial or other documentation related to approval of this Agreement, Winery further agrees to defend, indemnify, hold harmless, pay all damages, costs and fees, if any incurred to either the City or plaintiff (s) filing such an action should a court award plaintiff(s) damages, costs and fees, and to provide a defense for the City in any such action.

IN WITNESS WHEREOF this Agreement has been executed by the parties on the day and year first above written.

CITY OF LODI, a municipal corporation

MICHAEL/DAVID WINERY, LLC

BLAIR KING
City Manager

By: _____
Its: _____

ATTEST:

SUSAN J. BLACKSTON
City Clerk

APPROVED AS TO FORM:

D. STEPHEN SCHWABAUER
City Attorney



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Approve Lodi Tourism Business Improvement District 2006 annual report, adopt resolution of intent to levy annual assessment and set public hearing for March 29, 2006

MEETING DATE: March 15, 2006

PREPARED BY: Management Analyst, City Manager's Office

RECOMMENDED ACTION: Council action will be threefold: (1) To approve the Lodi Tourism Business Improvement District (LTBID) 2006 Annual Report as submitted by the LTBID Board of Directors, (2) To adopt a Resolution of Intention to levy an annual assessment for that fiscal year, and (3) To set a public hearing for March 29, 2006 to consider the levy of the proposed assessment.

BACKGROUND INFORMATION: Pursuant to Lodi Municipal Code Chapter 12.07 and Streets and Highways Code Section 36500 et seq., the LTBID membership Board is required to present an Annual Report (Exhibit A) for City Council's review and approval. This must be done prior to the public hearing and adoption of a Resolution confirming the 2006 Annual Report and levy of assessment. The City collects an administrative fee of five percent from the LTBID assessment. Representatives of the LTBID will be present and will make a presentation regarding the attached report. The levy of the annual assessment will be discussed at the March 29th meeting.

FISCAL IMPACT:

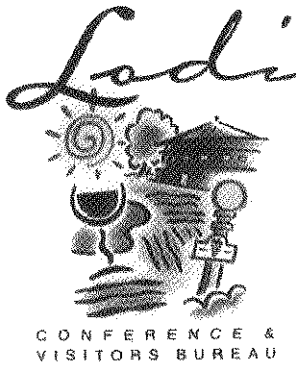
Ruby Paiste, Interim Finance Director

Janet L. Hamilton
Management Analyst

Attachments

cc: Nancy Beckman, LTBID Executive Director

APPROVED: _____
Blair King, City Manager



March 7, 2006

Susan Blackston
City Clerk
City of Lodi
221 W. Pine St.
Lodi, CA 95240

Dear Ms. Blackston,

Attached is the 2006 Annual Report for the Lodi Tourism Business Improvement District (LTBID) which was established October 6, 2004 by City Ordinance 1753 and amended February 16, 2005 by Resolution No. 2005-37.

Attached you will find a 2006 work plan, budget, and method of assessment, as required by the California Streets and Highways Code #33650. Please note there are no suggested changes to the District at this time.

I plan to present the work plan in its entirety at the March 15th City Council meeting. Please feel free to call me with any questions you may have.

Sincerely,

Nancy Beckman
Executive Director

Lodi Tourism Business Improvement District

Method of Assessment: The LTBD includes hotels/lodging facilities within the city of Lodi. Each lodging facility within the district shall be assessed 3% of the gross room rental revenue. Rentals (stays) lasting over 30 days are not subject to the assessment. The assessment is levied on an annual basis and collected quarterly.

Assessment Funding Purpose: To administer marketing programs to promote Lodi as a tourism destination and to fund projects, programs, and activities that benefit hotels within the city of Lodi.

2006 Work Plan (Exhibit A)

For the purpose of the Annual Report presentation, we have broken our 2006 work plan into 4 project areas:

- Marketing
- Press & Media Relations
- Customer Service & Hospitality
- Advocacy/Other

2006 LTBD Budget

Program Areas	Description	Budget
2006 Revenues:		
BID Assessment		\$165,000.00
City of Lodi		\$123,500.00
Donation		\$9,000.00
Total Projected Revenues		\$297,500.00
2006 Expenditures By Program Area:		
Marketing	Advertising, Tradeshow, Direct Mail, Solicitation, FAM Tours	\$184,957.00
Press & Media Relations	Bi-Annual Press Trips, Media Day	\$28,442.00
Customer Service & Hospitality	Visitor Info Mailings, Website, Visitor Publications, Hotel Brochure Distribution	\$70,486.00
Advocacy/Other	Advocacy, Newsletter	\$13,615.00
Total Projected Expenses		\$297,500.00
2006 Projected Net Carryover		\$0.00
2005 Net Carryover	Retained for construction costs at new office location	\$37,727.70

**Lodi Conference & Visitors Bureau
2006 Work Plan**

Marketing/Promotion Activities

Leisure Market

Targeted Advertising: In addition to the Annual California Visitor Guide ad and bi-annual ads in the Sacramento Visitor Guide, monthly advertisements will be placed in Diablo and Sacramento Magazines. All advertising will include a response measure for tracking purposes and all advertisements in the Sacramento/Bay Area will be coordinated with a direct mail campaign.

Direct Mail Campaign: Quarterly marketing flyers will be mailed to individuals from our database that fall within the targeted magazine advertisement distribution areas.

Trade Shows: LCVB staff will attend two travel trade shows (Bay Area and Sunset Travel Shows) geared toward the leisure travel market. Whenever possible, additional representatives from the Lodi area will attend. All leads will be tracked and a database of contacts will be maintained for future marketing opportunities.

Taste of Lodi: The LCVB in conjunction with Wine & Roses and Jewel Winery will produce this annual signature event to: 1.) Draw in visitors and 2.) Showcase and market Lodi as a wine country tourism destination.

LodiView: Continue offering LodiView as a monthly e-publication highlighting events and activities of interest to the tourist. A goal will be to increase distribution by 15%.

Group Market

Tradeshows: The Lodi Conference & Visitors Bureau will attend three trade/sales shows created for the group market: The California Society of Association Executives (Cal SAE), the National Tour Operator Travel & Tourism Exchange and the California Travel Industry California Travel Market appointment show. All sales leads will be followed up on and added to our database for future marketing opportunities.

Fam Tours: The Lodi CVB will host a minimum of three tours to group sales leaders to familiarize them with Lodi as a tourism destination.

Direct Mail Campaign: Quarterly fliers/brochures will be mailed to group sales decision makers to reinforce the Lodi tourism message.

Sponsorships: Sponsorships at tradeshowes will be utilized (when appropriate and as funding allows) as a method by which to introduce the group market to Lodi as a destination.

Press and Media Relations

Press Trips: Two group press trips will be held each year as a way to increase PR for Lodi as a tourism destination. Travel writers for tourism trade publications, lifestyle magazines and newspapers will be the focus.

Media Day: The LCVB will hold an annual Media Day designed to build and strengthen television media relations while educating the media with regards to Lodi as a tourism destination.

Customer Service/Hospitality

Visitor Information Packets: Visitor information will be distributed on request to individuals or groups. In 2006, an estimated 1800 requests for information will be filled.

Website: The visitlodi.com website will be maintained and updated as necessary. The goal of the website is twofold: 1.) To educate and create awareness of Lodi as a visitor destination and to 2.) Provide the highest degree of customer service by ensuring that visitor information is complete, up-to-date and easily accessible.

Visitor Publications: The LCVB will develop and maintain a number of publications geared to increase availability of visitor information.

- **Community Book:** 6,000 copies of the Community Book (Visitor Guide) will be distributed in 2006. The book which is designed to showcase Lodi to potential visitors and tourists is currently distributed to hotels/wineries and other tourist attractions. It is the main marketing piece for the LCVB and is mailed upon request and distributed at travel trade shows. The book has an estimated 18 month shelf-life.
- **Festival & Events Calendar:** The LCVB will produce and distribute a minimum of 1,500 Festival & Events Calendars. The calendar, produced annually, is a quick reference to events in the Lodi area and is distributed at the hotels, tradeshowes, and in visitor information packets.
- **Visitor Attraction Map & Guide:** In 2006 the Lodi CVB will produce a Visitor Attraction Map & Guide. The map will come in a "pad", and will be distributed to hotels and other attractions to utilize when visitors are

looking for directions to attractions. The map will be designed to fold into a brochure so that it can be used in a card rack or as a self-mailer.

- **Meeting Facilities Brochure:** Produced in-house, the Meeting Facilities Brochure is designed to provide information to potential consumers on event facilities.

Hotel Brochure Distribution: LCVB staff will provide a monthly brochure distribution service to Lodi hotels. The goal is to ensure that visitor information is widely available and easily accessible to guests.

Advocacy/Other Services

Advocacy: The Lodi Conference & Visitors Bureau desires to support the local lodging industry as well as other hospitality/tourism venues and organizations. Advocacy on tourism related issues are at the discretion of the Board of Directors.

Newsletter: A minimum of three newsletters will be distributed to local constituents and individuals vested in the tourism industry as a way to inform the public as to the programs and services undertaken by the Conference & Visitors Bureau.

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING
THE LODI TOURISM BUSINESS IMPROVEMENT DISTRICT
2006 ANNUAL REPORT; DECLARING ITS INTENTION TO
LEVY ANNUAL ASSESSMENT, AND ESTABLISHING PUBLIC
HEARING DATE

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WHEREAS, the Lodi Tourism Business Improvement District was established October 20, 2004, by Council adoption of Ordinance No. 1753, and as amended by Ordinance 1756; and

WHEREAS, the Annual Report as required by Streets and Highways Code §36500 et seq., has been submitted to the Council by the Board of Directors of said improvement area.

NOW, THEREFORE, the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

1. The 2006 Annual Report is hereby received and approved as submitted, said Report being on file in the City Clerk's Office.
2. Establishes March 29, 2006, in the City Council Chambers, at Carnegie Forum, 305 West Pine Street, Lodi, California, at 7:00 p.m., or soon thereafter as possible, as the date, place, and time to hold the public hearing required by Streets and Highway Code §36534.
3. It is the intention of the City Council to levy and collect assessments within the Lodi Tourism Business Improvement District for calendar year 2006 (the Area's fiscal year).
4. The proceeds from the Lodi Tourism Business Improvement District assessment shall be used to administer marketing programs to promote the City of Lodi as a tourism destination and to fund projects, programs, and activities that benefit hotels within the City of Lodi. The boundaries of the Lodi Tourism Business Improvement District shall be the boundaries of the City of Lodi. Refer to the Report on file in the Lodi City Clerk's office for a full and detailed description of the improvements and activities, boundaries and proposed assessments for the 2006 fiscal year.
5. At the time of the public hearing, written and oral protests may be made. The form and manner of protests shall comply with Streets and Highways Code §§36524 and 36525.

Dated: March 15, 2006

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I hereby certify that Resolution No. 2006-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 15, 2006, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2006-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Approving the City Council Protocol Manual

MEETING DATE: March 15, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council adopt a resolution approving the City Council Protocol Manual.

BACKGROUND INFORMATION: The "*City Manager's Work Plan*" included the project of preparing a comprehensive manual of standard operating procedures and written principles to guide City Council action and to direct staff in its relationship with the Council. The City Clerk's Office accepted this project and researched pertinent regulations governing the responsibilities of the City Council.

The City Council Protocol Manual, attached as Exhibit A, was reviewed at the Shirtsleeve Sessions of January 10 and 24. The comments and suggestions made by Council Members have been incorporated into the Manual, and it is, therefore, recommended that Council adopt the attached resolution approving the City Council Protocol Manual.

FISCAL IMPACT: None.

FUNDING AVAILABLE: N/A

Susan J. Blackston
City Clerk

SJB/jmp

Attachment

APPROVED: _____
Blair King, City Manager

City of Lodi



CITY COUNCIL PROTOCOL MANUAL

Adopted by the Lodi City Council March 15, 2006

Prepared by:

Office of the City Clerk
City of Lodi
221 W. Pine Street
P.O. Box 3006
Lodi, CA 95241-1910

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CITY COUNCIL PROTOCOL MANUAL

1. PURPOSE

The purpose of establishing the City Council Protocol Manual is to provide guidelines for the City Council to conduct its business in an orderly, consistent, and fair manner.

The protocols set forth herein are not intended to limit the inherent power and general legal authority of the City Council. Any of the protocols herein may be waived by a majority vote of the Council Members when it is deemed that there is good cause to do so based upon the particular facts and circumstances.

The protocols shall be amended by a majority vote of the Council Members and may be amended administratively by the City Clerk's Office in order to remain current with ~~state and~~ federal, **state, and local** law.

2. STATUTORY REQUIREMENTS/REGULATIONS

Certain state laws and other established regulations exist, which govern various responsibilities of the City Council. This protocol manual is not intended to duplicate, fully articulate all requirements, or repeal any existing statutes or regulations. City Council Members are responsible for becoming familiar with these statutes and regulations.

2.1 The Brown Act

The Ralph M. Brown Act provides that all meetings of a legislative body, whether meetings of the City Council or its appointed commissions and committees, shall be open and public and all persons shall be permitted to attend. Notices of such meetings must be made 72 hours prior to the meeting (or 24 hours in the case of a special meeting). A "meeting" takes place whenever a quorum is present and subject matter related to the City business is heard, discussed, or deliberated upon.

2.2 Political Reform Act

The Political Reform Act states that public officials shall perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. The Political Reform Act establishes regulations regarding conflicts of interests and campaign receipts and expenditures.

2.3 Lodi Municipal Code (LMC)

The Lodi Municipal Code consists of those codified ordinances of general municipal regulations and laws of the City of Lodi.

2.4 LMC Chapter 2.04 Relating to Council Meetings

LMC Chapter 2.04, "City Council Meetings," sets forth the Regular Meeting and Shirtsleeve Session dates, times, and location and further establishes rules for the conduct of City Council meetings. (Attached as Exhibit A)

2.5 Rules of Conduct of Meetings, Proceedings, and Business (Res. 2006-31)

Resolution No. 2006-31, adopted by the Lodi City Council on December 15, 2004, establishes rules for the conduct of City Council meetings, proceedings, and business. (Attached as Exhibit B)

2.6 City of Lodi Administrative Policy Manual

The Administrative Policy Manual consolidates all administrative policies and procedures of a general or inter-departmental nature into one document. Administrative regulations meet the following criteria: 1) are directed toward an ongoing City process or procedure; 2) are limited to one major subject area; and 3) are applicable to more than one City department. Administrative regulations are issued from the City Manager's Office.

2.7 Code of Ethics & Values (Res. 2004-115)

Resolution No. 2004-115, adopted by the Lodi City Council on June 2, 2004, sets forth the code of ethics and values for Lodi City Council Members and City Council appointees.

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of Lodi has adopted this code of ethics and values to promote and maintain the highest standards of personal professional conduct in the City's government. (Attached as Exhibit C)

3. COUNCIL ORGANIZATION

3.1 Newly-Elected Members

Newly-elected Council Members are sworn into office generally at the first regular Council meeting in December following a regular municipal election. Immediately upon election (even before being sworn into office), newly-elected Council Members are subject to the provisions of the Brown Act. Newly-elected Council Members shall not be allowed to attend closed sessions before being sworn into office.

3.2 Reorganization

Pursuant to Lodi Municipal Code Section 2.04.070, "Presiding officer—Mayor—Mayor Pro Tempore," the reorganization of the Council shall occur annually at the first regular Council meeting in December by electing a Mayor and Mayor Pro Tempore.

A community reception honoring the incoming Mayor, outgoing Mayor, and Council Members is traditionally held immediately following the reorganizational meeting.

3.3 Selection of Mayor and Mayor Pro Tempore

The term of office for the Mayor and Mayor Pro Tempore shall be one year. A majority vote of the Council is necessary to designate a Mayor and Mayor Pro Tempore. The election of the Mayor and Mayor Pro Tempore will take place as follows:

- City Clerk will conduct the election for the office of Mayor.
- Following the election, the City Clerk will turn over the gavel to the newly-elected Mayor, who will then conduct the election for the office of Mayor Pro Tempore.

3.4 Duties of Mayor and Mayor Pro Tempore

The Mayor shall preside at the meetings of the Council. If he/she is absent or unable to act, the Mayor Pro Tempore shall serve until the Mayor returns or is able to act.

In the absence of the Mayor and Mayor Pro Tempore, the City Clerk shall call the Council to order, whereupon a temporary Chairperson shall be elected by the members of the Council present.

The Mayor meets with the City Manager, Deputy City Manager, City Attorney, and City Clerk one week prior to Council meetings to review the draft agenda.

(Refer to LMC Section 2.04.070, "Presiding officer—Mayor—Mayor Pro Tempore," LMC Section 2.04.080, "Call to order—Temporary chairman," and Res. 2006-31 for additional duties of Mayor and Mayor Pro Tempore.)

3.5 Seating Order

Following the Council reorganization, the City Clerk shall designate the seating order for the Council dais.

3.6 Representation at Ceremonial Functions

The Mayor shall represent the Council at ceremonial functions. The Mayor may, at his/her own discretion, ask another Council Member to represent the Council at the function.

Council Members shall be reimbursed for admission, meal expenses, and mileage to attend ceremonial functions, for which the Council Member was invited to represent the City, pursuant to the City of Lodi Travel and Business Expense Policy.

3.6a Issuance of Proclamations and Certificates, Presentation of Gifts, and Public Recognition

PROCLAMATIONS AND CERTIFICATES OF RECOGNITION OR APPRECIATION: All requests for proclamations and certificates are subject to approval by and prepared on behalf of the Mayor. Proclamations and certificates are signed by the Mayor, and are prepared in response to the type of recognition requested (which may include recognition of individuals, groups, and events of significance to the Lodi community). Proclamations and certificates may be presented at a City Council meeting or at an outside event or meeting. Typically, requests are honored for presentation at a Council meeting only if a local representative from the requesting agency can appear to accept the certificate.

PRESENTATION OF GIFTS: Requests for plaques, gifts, or awards shall be approved by the Mayor, or by the City Council should the request be over \$1,000 (refer to Res. 2000-126, "Protocol Account Policy").

IN MEMORY OF: A meeting may be dedicated in memory of an individual at the direction of the Mayor or Member of the City Council. **The announcement will be made following roll call.** If the meeting is dedicated, the individual's family will be mailed a letter by the City Clerk's Office acknowledging the dedication.

4. COUNCIL ADMINISTRATION

4.1 Salaries and Benefits

Council salaries are established by IMC Chapter 2.08, "City Council Salaries." Government Code Section 36516 provides specific restrictions for adjusting Council salaries. Council Members shall be entitled to certain benefits, as outlined in Resolution No. 2000-211, which was adopted on November 15, 2000.

4.2 Travel and Expense Reimbursements

The Council shall establish an annual budget for conferences, meetings, training, and representation at ceremonial functions. Council Members shall attend these functions at his/her own discretion for purposes of improving his/her comprehension of and proficiency in municipal affairs and/or legislative operations.

The Mayor will be allocated an additional \$500 per year for representation expenses.

The expenses of spouses who accompany public officials in the conduct of their public duties cannot be reimbursed (75 Cal. Op. Att'y. Gen. 20 (1992)).

4.2a City of Lodi Travel Policy (Adopted 1/5/94)

Council Members shall be subject to the City of Lodi Travel Policy as adopted by the Lodi City Council on January 5, 1994.

4.2b Appointment of Delegate/Alternate to National League of Cities and League of California Cities Annual Conferences (Res. 96-138)

Pursuant to Resolution No. 96-138, adopted by the Lodi City Council on September 18, 1996, the Mayor shall serve as the voting delegate and the Mayor Pro Tempore shall serve as the voting alternate for all National League of Cities and League of California Cities annual business meetings. In the event the Mayor and/or Mayor Pro Tempore does not attend the meeting, the Mayor shall make the selection of the voting alternate and/or delegate.

4.3 Protocol Account Policy (Res. 2000-126)

Pursuant to Resolution No. 2000-126, adopted by the Lodi City Council on July 19, 2000, expenses used for such occasions as Council receptions and business luncheons, joint dinner meetings with various agencies and organizations, and supplies associated with Mayoral duties (e.g. plaques and awards, sympathy and congratulation tokens, etc.) would require specific City Council approval, if over \$1,000. A monthly itemized report of the Protocol Account shall be provided to the City Council by the City Clerk.

4.4 Appointment of City Council Appointees (LMC Title 2)

Pursuant to LMC Section 2.12.010, "Office established—Appointment—Qualifications," the office of City Manager is established, which shall be appointed by the City Council solely on the basis of his/her executive and administrative qualifications. The powers and duties of the City Manager are set forth in LMC Section 2.12.060, "Powers and duties generally."

Pursuant to LMC Chapter 2.13, "City Clerk," the City Clerk shall be appointed by the City Council, which shall prescribe the qualifications, additional duties, and compensation of the City Clerk. The powers and duties of the City Clerk are further set forth in LMC Chapter 2.13, as well as those specified in California Government Code §40801 et seq. and other state and local statutes.

Pursuant to LMC Chapter 2.14, "City Attorney," the City Attorney shall be appointed by the City Council and shall serve as legal counsel to the City government and all officers, departments, boards, commissions, and agencies thereof. The powers and duties of the City Attorney are further set forth in LMC Chapter 2.14, as well as those prescribed by state law and by ordinance or resolution of the City Council.

4.5 Evaluation of City Council Appointees (Res. 2002-224)

Pursuant to Resolution No. 2002-224, adopted by the Lodi City Council on November 6, 2002, the City Council shall conduct Council Appointees' evaluations annually over the course of two City Council closed session meetings.

The purpose of Council Appointee evaluations is to: 1) motivate Appointees to work at their highest capacity by jointly establishing job standards and objectives, review progress toward achieving those results, and subsequently plan the Appointee's future development; 2) determine an Appointee's performance level to assist in making appraisals for merit pay increases and disciplinary actions; and 3) serve as a means of communication between City Council and the Appointee.

5. COMMISSION APPOINTMENTS

5.1 Commissions

City commissions (which hereinafter include standing Council-appointed boards, commissions, and committees) serve as advisory bodies to facilitate public input and citizen participation in the determination of public policies. This is accomplished by formulating recommended courses of action and policy to the City Council with whom final determination rests. The Planning Commission (LMC Chapter 2.16, "Planning Commission") has authority to make final determination in applicable circumstances (see LMC Title 17, "Zoning").

5.2 Commission Appointments

Resolution No. 2003-156, adopted by the Lodi City Council on August 20, 2003, establishes the policy regarding appointment of persons to membership on City commissions. Commission applicants, with the exception of the Greater Lodi Area Youth Commission, must be registered voters of San Joaquin County, and Site Plan and Architectural Review Commission applicants must be registered voters of the City of Lodi. Pursuant to LMC Section 2.16.010, "Established—Appointment," Planning Commission applicants must be registered voters of the City of Lodi. Applications are to be accepted by the City Clerk for 30 days and shall remain valid and on file for one year. Exception: Full-time and part-time City employees are prohibited from serving on a commission.

Those seeking appointment to a commission must submit an application to the City Clerk's Office. Those commissioners whose terms have expired must submit a new application; terms are not automatically renewed. Following the close of the 30-day application period, copies of all applications will be provided to Council Members for informational purposes, as well as to the appropriate staff liaisons. Exception: The Greater Lodi Area Youth Commission may conduct independent interviews of all applicants, providing the Mayor with a ranking of the top ten, which he/she shall use in selecting qualified candidates.

The Mayor may request interviews or otherwise determine a selection process and shall submit recommendation(s) for appointment to the City Clerk's Office for placement on the City Council agenda for motion action.

5.3 Commission Responsibility

Commissioners should respect the public and staff and shall take seriously their responsibility for reporting to the City Council. **Positions taken by appointed representatives should be in alignment with the positions that the Council has taken on issues that directly impact the City of Lodi.** Commissioners shall make a good faith effort to attend all scheduled meetings and will notify the City liaison if they will be absent. Each Council-appointed commission shall be designated a staff liaison who shall make certain that the commission is properly instructed on its responsibilities and performance expectations. This may include the issuance of the commission's bylaws or guidelines, as well as copies of The Brown Act and Resolution No. 2006-31, "Rules of Conduct of Meetings, Proceedings, and Business." The City Attorney may from time to time conduct Brown Act workshops for new commissioners.

Commissioners may address the Council on items discussed by their respective bodies but should be limited to the chair or a representative that has been appointed by the commission. This will not take precedence over any individual's first amendment right to address the Council as an individual.

5.4 Council Contact with Commissions

Members of the City Council should not attempt to influence or publicly criticize commission recommendations, or to influence or lobby individual commission members on any item under their consideration. It is important for commissions to be able to make objective recommendations to the City Council on items before them. An exception to the Brown Act allows a legislative body majority to attend an open and noticed meeting of a standing committee of the legislative body provided that the legislative body members who are not members of the standing committee attend only as observers, meaning that they cannot speak or otherwise participate in the meeting.

5.5 Ad Hoc Committees and Task Forces

The City Council, through the City Manager, shall make certain that all Council-appointed ad hoc committees and task forces are properly instructed in their assigned scope of work and responsibility. The expected output of their effort shall be clearly defined. Ad hoc committees and task forces are responsible for keeping the Council informed about issues being considered and their progress. This is to be accomplished by meeting minutes distributed in the Council weekly packets. Ad hoc committees and task forces are responsible for advising the Council of any need for information or more specific instructions. Ad hoc committees and task forces shall obtain Council concurrence before they proceed in any direction different from the original instructions of the Council.

5.6 Annual Recognition Reception

Each year in August, the City Council hosts an event (coordinated by the City Clerk's Office) to recognize the efforts of current and outgoing members of Council-appointed boards, commissions, committees, and task force groups.

5.7 Council Service on Commissions

Council Members are requested to serve on various commissions for outside agencies. Following a City election, at which new Council Members are elected, the newly-seated Council shall review the list of current assignments and make recommendations for appointments. Any Council Member desiring to serve on a certain commission should inform the Mayor. Council Members resigning from his/her position on a certain commission should inform the Mayor (via the City Clerk's Office) in writing. Appointments are subject to approval by a majority of Council.

Council representatives to such commissions shall keep the Council informed of ongoing business through periodic updates under the "Comments by Council" segment of the regular City Council meeting agenda or other means as appropriate.

5.8 Regional Boards

The role of the Council on regional boards will vary depending on the nature of the appointment. Representing interests of Lodi is appropriate on some boards; this is generally the case when other local governments have its own representation. Examples might be serving on the Northern California Power Agency and Northern San Joaquin County Groundwater Banking Authority. Other appointments, such as San Joaquin Council of Governments, are broader in nature; these boards depend on its members taking a more regional approach.

The positions taken by the appointed representative are to be in alignment with the positions that the Council has taken on issues that directly impact the City of Lodi. If an issue should arise that is specific to Lodi and the Council has not taken a position, the issue should be discussed by the Council prior to taking a formal position at a regional board to assure that it is in alignment with the Council's position.

6. MEETING GUIDELINES & PROCEDURES

6.1 Attendance / Quorum

Council Members acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Council Members shall make a good faith effort to attend all such meetings unless unable. Council Members will notify the City Clerk if they will be absent from a meeting. The City Clerk will then notify the City Manager, City Attorney, and all other Council Members.

Three members of the City Council shall constitute a quorum and shall be sufficient to transact business. If less than three appear at a regular meeting, the Mayor, Mayor Pro Tempore in the absence of the Mayor, any Council Member in the absence of the Mayor and Mayor Pro Tempore, or in the absence of all Council Members, the City Clerk, or his/her designee, shall adjourn the meeting to a stated day and hour or cancel the meeting due to the lack of a quorum.

Rule of Necessity: If enough Council Members are disqualified (e.g. conflict of interest) such that a quorum cannot be met the disqualified Members shall draw lots to rehabilitate a sufficient number of Council members to permit Council action. Direction from the City Attorney should be sought to determine that real conflict exists to necessitate the need to use the Rule of Necessity.

6.2 Meeting Dates **and Location**

Whenever possible, taking into consideration the number of participants and room availability, all Council meetings noticed for action shall be scheduled in the Council Chamber at the Carnegie Forum to allow for a live cable-cast of a meeting.

6.2a Regular Meetings & Informal Informational (Shirtsleeve) Sessions

Pursuant to LMC Chapter 2.04, "City Council Meetings," regular meeting dates are the first and third Wednesday of each month commencing at 7 p.m. Informal Informational (Shirtsleeve) Sessions are held every Tuesday morning at 7 a.m.

6.2b Special/Joint/Adjourned/Emergency Meetings

The Brown Act sets forth specific requirements for holding adjourned, special, and emergency meetings. The City Council may from time to time hold special joint meetings with boards and commissions or outside agencies or groups.

6.3 Agenda / Council Meeting

6.3a Agenda Packet Preparation

The City Manager reviews and approves all items for the Council agenda. Agenda packets are compiled, photocopied, converted electronically, posted to the Web, and distributed through the City Clerk's Office, pursuant to the "City Council Agendas, Council Communications, and Packet Policy/Procedure." Agenda packets (in CD format) shall be delivered to Council Members on the Friday prior to the Council meeting.

6.3b Placing Items on the Agenda

Pursuant to LMC Section 2.04.180 "Preparation of agendas," matters may be placed on the agenda for consideration by request of 1) any member of the City Council, 2) the City Manager, 3) the City Clerk, and 4) the City Attorney. ~~If a~~

~~request is made by a Council Member at a Council meeting, it is suggested that a vote be taken, or an indication through concurrence, that there is an interest by a majority of Council to hear the matter.~~ Any reasonable request by any person named in this section shall be honored, subject to the City Manager's discretion as to the preparation of accompanying staff reports.

Requests from the public to place an item on the agenda are to be directed to the City Clerk's Office and shall be handled in the following manner:

- Proclamation/Certificate – All requests for proclamations and certificates are subject to approval of the Mayor and are typically honored only if a local representative from the requesting agency can appear to accept the certificate.
- Presentations – Most requests for presentation by civic groups and local organizations and requests for recognition of Eagle Scouts or for excellence in academics, athletics, etc. shall be honored and placed appropriately under the "Presentations" segment of the agenda.
- Item for Discussion/Action – Requests **by members of the public** to place an item for discussion or action on the agenda shall be directed to the appropriate City department for proper handling. In the event it cannot be handled in this manner, the individual requesting the action should submit in writing his/her specific request. The City Clerk shall then place the matter on the agenda under "Communications." The Council shall not take action on the matter other than to either 1) direct that the matter be placed on a future agenda or 2) direct staff to research the issue and report back to Council.

6.3c Order of Agenda Items

Resolution No. 2005-10, adopted by the Lodi City Council on January 11, 2005, establishes the order of business for City Council meetings. Topics anticipated to be of greatest interest to the public will be placed at the beginning of the Regular Calendar.

6.3d Agenda Posting

The agenda for any regular, special, or Shirtsleeve Session meeting shall be made available to the general public.

For every regular, special, or Shirtsleeve Session meeting, the City Clerk, or other authorized person, shall post the agenda, specifying the time and place at which the meeting will be held and a brief description of all items of business to be discussed at the meeting. The agenda shall be posted according to law at the following locations:

- Lodi City Hall – 221 W. Pine Street
- City Clerk's Office – 221 W. Pine Street, 2nd Floor
- Lodi Carnegie Forum* – 305 W. Pine Street
- Lodi Public Library – 201 W. Locust Street
- On the Internet – www.lodi.gov

*NOTE: This is the official City of Lodi posting location freely accessible to the public 24 hours a day.

6.3e Americans with Disabilities Act Statement

Agendas for all City Council meetings will contain a statement regarding the Americans with Disabilities Act in substantially the following language, making the City Clerk the contact for inquiries.

"NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date."

6.3f Limitation to Act Only on Items on the Agenda

No action shall be taken by the City Council on any item not on the posted agenda, subject only to the exceptions listed below:

- Upon a majority determination that an "emergency situation" (as defined by state law) exists; and
- Upon determination by a 4/5 vote of the full City Council, or a unanimous vote if less than a full Council, that there is a need to take immediate action and that the need to take the action came to the attention of the City Council subsequent to posting of the agenda.

6.3g Supplemental Information ("Blue Sheet" Items)

At times, it may be necessary to amend or provide new information to Council following the publication of the City Council packet. Supplemental material that revises a previously submitted item shall show new information in bold and deleted information in strikethrough. Supplemental material that adds further information to a previously submitted item (e.g. a new Council Communication or attachment) shall contain the statement "SUPPLEMENTAL INFORMATION" on the top, right-hand side of the new material. All supplemental material shall be copied on blue paper and distributed to Council Members and key staff members, in addition to the public information table, prior to the start of the meeting.

6.3h Closed Session

Closed sessions are regulated pursuant to the Brown Act. All written materials and verbal information regarding closed session items shall remain confidential. No member of the Council, employee of the City, or anyone else present shall disclose to any person the content or substance of any discussion that takes place in a closed session, unless authorized by a majority of Council. The same high standard of respect and decorum as apply to public meetings shall apply to closed sessions. There shall be courtesy, respect, and tolerance for all viewpoints and for the right of Council Members to disagree.

In accordance with Resolution No. 80-101, adopted by the Lodi City Council on August 6, 1980, the City Clerk is authorized to attend all closed session meetings to record motions and actions taken by the City Council. The City Attorney, following the adjournment of a closed session, shall disclose all reportable action taken in the closed session, which shall be recorded into the record by the City Clerk.

6.3i Invocations

The purpose of conducting invocations is to honor the importance of religion in the lives of Lodi citizens. Invocations are not for the purpose of fostering or establishing any religious belief, but are in recognition of the role that freedom of religion has played in the history of the country and the contribution that the faith community makes to the quality of life in Lodi.

Presenters of the invocation before City Council meetings will be invited from all religious groups who have expressed an interest in participating. Invocations are to be non-sectarian and non-denominational.

6.3j Presentations

Special presentations shall be scheduled as necessary in recognition of persons or groups, or for the promotion of an event or service. Requests for special presentations must be submitted to the City Clerk in writing in advance of the agenda deadline.

6.3k Consent Calendar

Those items on the Council agenda that are considered to be of a routine and non-controversial nature by the City Manager shall be listed on the "Consent Calendar." These items so listed shall be approved, adopted, accepted, etc. by one motion of the Council.

Council Members may comment on Consent Calendar items or ask for minor clarifications without the need for pulling the item for separate consideration. Items requiring deliberation should be pulled for separate consideration.

6.3l Public Comments

Pursuant to the Brown Act, public comment will be allowed on specific items of business on the Council agenda before or during the Council's consideration of the matter. Members of the public wishing to address Council on a closed session topic will be allowed an opportunity to do so prior to Council adjourning to closed session. Public comments will also be allowed on any item not on the agenda but within the jurisdiction of the City Council. Public comments on non-agenda items are limited to five minutes each. Individuals desiring to speak are encouraged to submit a request to speak card to the City Clerk listing their name and address.

All comments and testimony shall be made from the podium through the Mayor; no comment or testimony shall be shouted from the audience. Comment and testimony are to be directed to the City Council. Dialogue between and inquiries from citizens at the podium and members of staff or the seated audience is not permitted. Inquiries which require staff response shall be referred to staff for response at a later time. The City Council cannot prohibit public criticism of policies, procedures, programs, or services of the agency or the acts or omissions of the City Council itself; however, the Brown Act provides no immunity for defamatory statements. Any person who addresses the City Council in a manner which disrupts, disturbs, or impedes the orderly conduct of the meeting may be asked to terminate his/her comment period. Continued inappropriate behavior or comments, after having been directed to discontinue, may be grounds for removal from the meeting.

6.3m Council Comments **on Non-Agenda Items**

Individual Council Members may make comments on any non-agenda item. Comments are generally for informational purposes or to request a future report on a matter; it is not intended for detailed discussion of an item or for action (Gov. Code Section 54954.3).

6.3n Public Hearings

Public hearings may be required on certain items as prescribed by the Lodi Municipal Code or by state or federal law. In addition to the public hearing procedures set forth in Resolution 2006-31, adopted by the Lodi City Council on February 15, 2006, the general procedure for public hearings is as follows:

1. Staff presents its report. Council Members may ask questions of staff.
2. The Mayor opens the public hearing.

3. The applicant or appellant has the opportunity to present his/her comments, testimony, or arguments. Adequate time must be allotted for the applicant or appellant to present his/her case.
4. Members of the public may present their comments subject to time limits established by the Mayor.
5. The Mayor closes the public hearing after everyone wishing to speak has had the opportunity to do so.
6. Council deliberates and takes action.

When the City Council acts in an adjudicatory or quasi-judicial capacity, each member must (1) disclose on the record the nature and substance of any ex parte communications relating to the matter; and (2) provide interested parties full and fair opportunity to rebut or explain the information obtained from those communications.

6.3o Regular Calendar

Those items on the Council agenda that are considered to require Council discussion or public input shall be listed on the "Regular Calendar." These items so listed shall be approved, adopted, accepted, etc. separately by the Council.

6.3p Ordinances

Ordinances involve a command or prohibition and have the force of law in the city for which an ordinance is adopted. An ordinance generally prescribes some permanent rule of conduct or government that remains in force until the ordinance is repealed. With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required—one to introduce (on the Regular Calendar) and a second to adopt the ordinance (under Ordinances). Ordinances may only be passed at a Regular meeting or at an Adjourned (i.e. continued) Regular meeting; except for urgency ordinances, ordinances may not be passed at a Special meeting. Unless otherwise stated, an ordinance shall take effect 30 days following the date of adoption.

6.3q Resolutions

A resolution expresses City Council policy or directs certain types of administrative action and may be changed by a subsequent resolution. Resolutions are effective on the date of adoption.

6.3r Minute Motion

A minute motion is the most informal official action taken by the City Council. It ordinarily is used to indicate majority approval of a procedural action, such as accepting grant deeds, approving plans and specifications and agreements, or otherwise authorizing disposition of an agenda item.

6.3s Agency Meetings (LPIC, IDA, LFC, RDA)

The City Council, which also sits as members of the Lodi Public Improvement Committee (LPIC), Improvement Development Authority (IDA), Lodi Financing Committee (LFC), and the Redevelopment Agency (RDA), shall meet annually at the second meeting in December to elect new officers. Typically, the Mayor shall serve as Chairperson or President and the Mayor Pro Tempore shall serve as the Vice Chairperson or Vice President. The RDA members are entitled to compensation of \$30 per meeting up to four meetings per month; however, they may vote to waive the compensation.

~~6.3t Shirtsleeve Sessions~~

~~Pursuant to LMC Section 2.04.020, "Informal Informational Meetings," the City Council shall meet each Tuesday morning at the hour of 7 a.m. in the Council Chamber for an informal study meeting (Shirtsleeve Session), subject to notice requirements as provided by law. No formal action shall be taken by the City Council at such meetings.~~

6.3t Council Communications / **Staff Reports**

Each City Council agenda item shall have a coordinating staff report (Council Communication) prepared by the originating department. Council Communications are written specifically for the purpose of communicating information necessary for policy and decision-making and shall include an abbreviated history, the overall intent and need for the requested action, and its impact or affect on the community, services, and programs of the City.

6.3u Submitted Materials **at Meetings are Public Record**

Any written correspondence or other materials, when distributed to all, or a majority of all, of the members of the City Council by any person in connection with a matter subject to discussion or consideration at a public meeting, are disclosable public records under the California Public Records Act and shall be made available upon request without delay. Writings that are public records and that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by City staff or a member of the City Council, or after the meeting if prepared by some other person. All writings referenced herein shall be provided to and documented with a received/filed date by the City Clerk.

6.3v Electronic Mail Communications, Prohibited during Meetings

Use of the Internet and e-mail is prohibited by Council Members during City Council meetings. The purpose of this is: 1) to ensure that no violations of the Brown Act occur and 2) to allow for proper management of communications during meetings so that City business can be conducted in an efficient and orderly manner. E-mail communication sent to the City Council related to an item on an agenda will be received in the City Clerk's Office up to the close of business (5 p.m.) on the date of the meeting and will be provided to Council Members via "blue sheet." Such communications will be handled in accordance with California Government Code Section 54957.5.

6.3w Minutes

The City Clerk, or his/her designee, shall attend and prepare comprehensive summary minutes of all public meetings of the City Council. Minutes ready for Council approval shall be placed on the regular City Council meeting agenda and included in the Council packet. Pursuant to LMC Section 2.04.110, "Reading and approval of minutes," any Council Member can request a correction or amendment to the minutes, subject to verification by the City Clerk. It is suggested that Council Members contact the City Clerk no later than Tuesday before the regular meeting, which will allow the Clerk time to review the audio tape to ensure that the requested amendment was verbalized at the meeting, and if so, make the change to the minutes and present the amended minutes to Council on the day of the meeting for approval.

6.4 Rules of Conduct

6.4a Discussion Rules

The Mayor or presiding officer has the responsibility to control the debate and the order of speakers pursuant to the rules for conduct of meetings, proceedings, and business as set forth in Resolution No. 2006-31.

6.4b Council Comments (Related to Items on the Agenda)

Council Members shall limit their comments to the subject matter, item, or motion being currently considered by the Council.

6.4c Speaker Time Limits

Members of the public speaking on non-agenda items shall be limited to five minutes. Where the Council determines that the existence of unusual or controversial issues exists, that the large number of speakers wishing to address the Council so justifies, or that other considerations make modification appropriate, the Mayor may limit the amount of time to be afforded each speaker.

6.4d Council Questions of Speakers

Council Members who wish to ask questions of speakers may do so, but only after being recognized by the Mayor. Members of Council shall not engage in debate with a member of the public at Council meetings.

6.5 Decorum

6.5a Council Members / Council Appointees

Resolution No. 2004-115, adopted by the Lodi City Council on June 2, 2004, establishes the code of ethics and values to be followed by City Council Members and City Council Appointees (i.e. City Manager, City Attorney, and City Clerk). Members of the City Council and Council Appointees value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Council Members and Appointees shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the City Council. At all times, Council Members in the minority on an issue shall respect the decision and authority of the majority.

6.5b City employees

Members of the City staff are expected to observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a business professional manner toward Council Members and members of the public.

6.5c Public

Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council.

6.5d Noise in the Chamber

Noise emanating from the audience within the Council Chamber or lobby area, which disrupts City Council meetings, shall not be permitted.

6.6 Use of Council Chamber

As set forth in the City of Lodi Administrative Policy and Procedure Manual, the following are authorized uses of the spaces in the Carnegie Forum.

1. All meetings of the City Council.
2. All meetings of City boards and commissions when such boards and commissions are staffed by a City liaison person.
3. Meetings called by a Council Member(s) to discuss City business with constituents and others.
4. Department Head and other City staff meetings.
5. City employee training sessions.
6. General meetings of City employees for the purpose of disseminating job-related information.
7. Professional meetings hosted/conducted by City staff.
8. City-sponsored community awareness programs.

Exceptions to this policy may be made only on the authority of the City Council. The Council Chamber cannot be used as a location for taking campaign photos. All requests for use of Carnegie Forum spaces shall be made through the Secretary to the City Manager.

7. COMMUNICATIONS

7.1 Processing and Delivering of **City Council Mail by City Clerk's Office**

Upon authorization of the City Council Member, the City Clerk shall open all mail addressed to the Mayor and City Council Members, with the exception of those marked "Personal" or "Confidential."

Communication Addressed to the "City Council"

All correspondence addressed to the "City Council" is treated as public information. A copy is made for each member of the City Council, City Manager, City Attorney, and all other affected departments for information, referral, or handling. The original document is retained in the City Clerk's Office file.

Communication Addressed to the "Mayor"

Commonly, the sender's intent when addressing communication to the "Mayor" is merely to forward it to the head of the city governing body, and consequently, this type of correspondence is often handled in the same manner as communication addressed to the "City Council." Handling of the Mayor's mail is, however, at the discretion of the individual serving in this capacity, which is ascertained each year following the reorganization of the City Council.

Communication Addressed to *Individual* Council Members

Communication addressed specifically to individual City Council Members is treated as personal mail and is only opened by the City Clerk's Office if express authorization to do so was given by the

Council Member. No copies are made or distributed. Should a response be needed, it is up to the individual Council Member to whom the correspondence was addressed, as is forwarding the information to affected departments if appropriate.

7.2 Council Calendar

An Annual Calendar List of Events shall be prepared by the City Clerk's Office, which includes City-related events, functions, meetings, and annual conferences. A weekly calendar is also prepared by the City Clerk and distributed to each Council Member, Administrative staff, and the press for informational purposes. It shall be the responsibility of the Council Members to notify the City Clerk of their attendance at an event, for which the City Clerk will handle the arrangements.

7.3 Citizen Complaint Process

All complaints directed to the ~~Mayor or City Council Members (via letter, e-mail, facsimile, verbal, or voice mail)~~ shall be given to the City Council and a copy forwarded **through the City Clerk's Office will be copied** to the City Manager's Office for tracking purposes, as well as to the City Attorney and all ~~and~~ other affected departments. **A reply confirming receipt of the communication, and notifying the sender who the communication has been forwarded to, will be sent by the City Clerk's Office within 24 hours.**

~~Council Members are discouraged from responding directly to complaints without first coordinating with the City Manager's office to ensure a unified response and to prevent dual efforts in the event another department is already preparing a response. Staff will copy or otherwise communicate their response to the City Council.~~

7.4 Use of City Letterhead or City Seal

All Council Member correspondence written on City resources, i.e. letterhead, staff support, postage, etc., will reflect the position of the full Council, not individual Council Members' positions. All Council Member correspondence using City resources shall be copied to the full Council. The City Clerk is the custodian of the Official City Seal pursuant to Lodi Municipal Code 2.13.010. The City Seal shall not be altered and is to be used only on official City documents.

7.5 Communications with Staff

Pursuant to LMC Section 2.12.070, "Council to Deal Exclusively through City Manager," the City Council and its members, except for the purpose of inquiry, shall deal with administrative services solely through the City Manager, and neither the City Council nor any member thereof shall give orders to any of the subordinates of the City Manager. A Council Member shall not direct staff to initiate any action, change a course of action, or prepare any report that is significant in nature, nor shall a Council Member initiate any project or study without the approval of a majority of Council. Exception: Pursuant to LMC Title 2.13 and 2.14, the City Attorney and City Clerk are appointed by the City Council and shall report his/her advice, recommendations, and requests directly to the City Council.

In regard to an agenda item question, Council Members are encouraged to contact staff members to ask questions for clarification prior to the meeting, at which the subject will be discussed.

7.6 Complaints Regarding Performance of Staff

Any concerns by a member of Council over the behavior or work of a City employee should be directed to the City Manager privately to ensure the concern is resolved. Council Members shall not reprimand employees directly, nor shall they communicate their concerns to anyone other than the City Manager.

7.7 Handling of Litigation / Confidential Information

Council Members shall keep all written materials and verbal information provided to them on matters that are confidential under state law in complete confidence to ensure that the City's position is not compromised. No disclosure or mention of information in these materials shall be made to anyone other than Council Members, the City Attorney, or City Manager.

7.8 Representing Majority vs. Individual Opinion

A person elected to **the** City Council plays two roles: a member of a body elected to represent the City in its entirety and a private resident of the City. The second role is not relinquished when the first role is assumed. It is important to distinguish between the two roles at all times and to conduct business in one role separately from the other. The elected Council Member retains the right to speak as an individual, not as a member of the City Council, but must make it very clear that he/she speaks on his/her own behalf and not as a member of the City Council. This is because when the Council acts, it acts as a whole, not as a group of individuals.

If a member of the City Council appears before another governmental agency or organization to give a statement on an issue affecting the City, the Council Member should first indicate the majority position and opinion of the Council. Personal opinions and comments may be expressed only if the Council Member clarifies that these statements do not represent the position of the City Council.

8. CONFLICT OF INTEREST / ECONOMIC DISCLOSURE REQUIREMENTS FOR PUBLIC OFFICIALS

8.1 Conflict of Interest

The Political Reform Act (Government Code, Title 9, Sections 81000-91015) controls conflict of interest through disclosure and prohibition of participation in decisions, which are actual conflicts of interest. Specifically, it requires City Council Members and other public officials to annually disclose all financial interests that may be affected by decisions made in their official capacity; this includes interests such as

investments, real property, and income. Council Members must also disqualify themselves from making or participating in making or influencing any governmental decision that will have a foreseeable material financial affect on any economic interest of the Council Member or certain family members.

The Political Reform Act requires state and local government agencies to adopt and promulgate conflict of interest codes, which shall be reviewed bi-annually on even-numbered years. On December 1, 2004, the Lodi City Council adopted Resolution No. 2004-268 amending the City of Lodi's Conflict of Interest Code.

8.2 Statements of Economic Interest

A financial disclosure form (Statement of Economic Interest) must be filed with the City Clerk no later than April 1 of each year for financial interests pertaining to the preceding calendar year. Newly-elected Council Members must file a statement within 30 days of officially assuming office. Certain commission members and City employees are also subject to this disclosure requirement.

8.3 Make and Participate in Making a Decision

An official makes a decision when the official votes on a matter, appoints a person, obligates or commits the City to any course of action, or enters into any contract on behalf of the City. Pursuant to LMC 2.04.140, "Voting," all members of the Council, when present, must vote. If a member of the Council states that he/she is not voting, his/her silence shall be recorded as an affirmative vote unless, however, the Council Member abstains from voting by reason of his/her interest in the matter before the Council and that reason is stated at the meeting.

An official participates in making a decision when the official negotiates on behalf of the City without significant substantive review, or advises or makes recommendations to the decision maker, either directly or without significant intervening substantive review.

- ~~8.4~~ Exceptions: Making or participating in the making of a decision does not include ministerial, secretarial, manual or clerical actions, appearances by the official as a member of the general public before any body of the City in the course of its prescribed governmental function to represent himself/herself on matters related solely to his/her personal interest.

8.4 Provision of Advice **from City Attorney regarding Conflict of Interest**

Any official who is uncertain as to whether he/she may have a conflict of interest shall seek clarification from the City Attorney; however, the official must understand that the City Attorney may not keep the consultation confidential from the full Council, and the City Attorney's

opinion is not a defense to a Fair Political Practices Commission (FPPC) enforcement action. When in doubt, the City Attorney can request a formal opinion from the FPPC if the request is made at least four weeks in advance.

8.6 Using Official Position to Influence

Council Members shall not attempt to coerce or influence any member, officer, official, consultant, or commission member of the City in the awarding of contracts, the selection of consultants, the processing of development applications, or the granting of City licenses or permits. The Council shall not attempt to change or interfere with the operating policies and practices of any City department.

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING THE CITY COUNCIL PROTOCOL MANUAL

=====

WHEREAS, the purpose of the City Council Protocol Manual is to provide guidelines and references in one location regarding relevant statutory requirements and regulations governing responsibilities of the Council.

BE IT RESOLVED that the Lodi City Council does hereby approve the City Council Protocol Manual, as shown on Exhibit A attached hereto; and

BE IT FURTHER RESOLVED that said Manual may be amended administratively by the City Clerk's Office in order to remain current with federal, state, and local law.

Dated: March 15, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held March 15, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2006-_____

City of Lodi



CITY COUNCIL PROTOCOL MANUAL

Adopted by the Lodi City Council March 15, 2006

Prepared by:

Office of the City Clerk
City of Lodi
221 W. Pine Street
P.O. Box 3006
Lodi, CA 95241-1910

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CITY COUNCIL PROTOCOL MANUAL

1. PURPOSE

The purpose of establishing the City Council Protocol Manual is to provide guidelines for the City Council to conduct its business in an orderly, consistent, and fair manner.

The protocols set forth herein are not intended to limit the inherent power and general legal authority of the City Council. Any of the protocols herein may be waived by a majority vote of the Council Members when it is deemed that there is good cause to do so based upon the particular facts and circumstances.

The protocols shall be amended by a majority vote of the Council Members and may be amended administratively by the City Clerk's Office in order to remain current with federal, state, and local law.

2. STATUTORY REQUIREMENTS/REGULATIONS

Certain state laws and other established regulations exist, which govern various responsibilities of the City Council. This protocol manual is not intended to duplicate, fully articulate all requirements, or repeal any existing statutes or regulations. City Council Members are responsible for becoming familiar with these statutes and regulations.

2.1 The Brown Act

The Ralph M. Brown Act provides that all meetings of a legislative body, whether meetings of the City Council or its appointed commissions and committees, shall be open and public and all persons shall be permitted to attend. Notices of such meetings must be made 72 hours prior to the meeting (or 24 hours in the case of a special meeting). A "meeting" takes place whenever a quorum is present and subject matter related to the City business is heard, discussed, or deliberated upon.

2.2 Political Reform Act

The Political Reform Act states that public officials shall perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. The Political Reform Act establishes regulations regarding conflicts of interests and campaign receipts and expenditures.

2.3 Lodi Municipal Code (LMC)

The Lodi Municipal Code consists of those codified ordinances of general municipal regulations and laws of the City of Lodi.

2.4 LMC Chapter 2.04 Relating to Council Meetings

LMC Chapter 2.04, "City Council Meetings," sets forth the Regular Meeting and Shirtsleeve Session dates, times, and location and further establishes rules for the conduct of City Council meetings. (Attached as Exhibit A)

2.5 Rules of Conduct of Meetings, Proceedings, and Business (Res. 2006-31)

Resolution No. 2006-31, adopted by the Lodi City Council on December 15, 2004, establishes rules for the conduct of City Council meetings, proceedings, and business. (Attached as Exhibit B)

2.6 City of Lodi Administrative Policy Manual

The Administrative Policy Manual consolidates all administrative policies and procedures of a general or inter-departmental nature into one document. Administrative regulations meet the following criteria: 1) are directed toward an ongoing City process or procedure; 2) are limited to one major subject area; and 3) are applicable to more than one City department. Administrative regulations are issued from the City Manager's Office.

2.7 Code of Ethics & Values (Res. 2004-115)

Resolution No. 2004-115, adopted by the Lodi City Council on June 2, 2004, sets forth the code of ethics and values for Lodi City Council Members and City Council appointees.

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of Lodi has adopted this code of ethics and values to promote and maintain the highest standards of personal professional conduct in the City's government. (Attached as Exhibit C)

3. COUNCIL ORGANIZATION

3.1 Newly-Elected Members

Newly-elected Council Members are sworn into office generally at the first regular Council meeting in December following a regular municipal election. Immediately upon election (even before being sworn into office), newly-elected Council Members are subject to the provisions of the Brown Act. Newly-elected Council Members shall not be allowed to attend closed sessions before being sworn into office.

3.2 Reorganization

Pursuant to Lodi Municipal Code Section 2.04.070, "Presiding officer—Mayor—Mayor Pro Tempore," the reorganization of the Council shall occur annually at the first regular Council meeting in December by electing a Mayor and Mayor Pro Tempore.

A community reception honoring the incoming Mayor, outgoing Mayor, and Council Members is traditionally held immediately following the reorganizational meeting.

3.3 Selection of Mayor and Mayor Pro Tempore

The term of office for the Mayor and Mayor Pro Tempore shall be one year. A majority vote of the Council is necessary to designate a Mayor and Mayor Pro Tempore. The election of the Mayor and Mayor Pro Tempore will take place as follows:

- City Clerk will conduct the election for the office of Mayor.
- Following the election, the City Clerk will turn over the gavel to the newly-elected Mayor, who will then conduct the election for the office of Mayor Pro Tempore.

3.4 Duties of Mayor and Mayor Pro Tempore

The Mayor shall preside at the meetings of the Council. If he/she is absent or unable to act, the Mayor Pro Tempore shall serve until the Mayor returns or is able to act.

In the absence of the Mayor and Mayor Pro Tempore, the City Clerk shall call the Council to order, whereupon a temporary Chairperson shall be elected by the members of the Council present.

The Mayor meets with the City Manager, Deputy City Manager, City Attorney, and City Clerk one week prior to Council meetings to review the draft agenda.

(Refer to LMC Section 2.04.070, "Presiding officer—Mayor—Mayor Pro Tempore," LMC Section 2.04.080, "Call to order—Temporary chairman," and Res. 2006-31 for additional duties of Mayor and Mayor Pro Tempore.)

3.5 Seating Order

Following the Council reorganization, the City Clerk shall designate the seating order for the Council dais.

3.6 Representation at Ceremonial Functions

The Mayor shall represent the Council at ceremonial functions. The Mayor may, at his/her own discretion, ask another Council Member to represent the Council at the function.

Council Members shall be reimbursed for admission, meal expenses, and mileage to attend ceremonial functions, for which the Council Member was invited to represent the City, pursuant to the City of Lodi Travel and Business Expense Policy.

3.6a Issuance of Proclamations and Certificates, Presentation of Gifts, and Public Recognition

PROCLAMATIONS AND CERTIFICATES OF RECOGNITION OR APPRECIATION: All requests for proclamations and certificates are subject to approval by and prepared on behalf of the Mayor. Proclamations and certificates are signed by the Mayor, and are prepared in response to the type of recognition requested (which may include recognition of individuals, groups, and events of significance to the Lodi community). Proclamations and certificates may be presented at a City Council meeting or at an outside event or meeting. Typically, requests are honored for presentation at a Council meeting only if a local representative from the requesting agency can appear to accept the certificate.

PRESENTATION OF GIFTS: Requests for plaques, gifts, or awards shall be approved by the Mayor, or by the City Council should the request be over \$1,000 (refer to Res. 2000-126, "Protocol Account Policy").

IN MEMORY OF: A meeting may be dedicated in memory of an individual at the direction of the Mayor or Member of the City Council. The announcement will be made following roll call. If the meeting is dedicated, the individual's family will be mailed a letter by the City Clerk's Office acknowledging the dedication.

4. COUNCIL ADMINISTRATION

4.1 Salaries and Benefits

Council salaries are established by LMC Chapter 2.08, "City Council Salaries." Government Code Section 36516 provides specific restrictions for adjusting Council salaries. Council Members shall be entitled to certain benefits, as outlined in Resolution No. 2000-211, which was adopted on November 15, 2000.

4.2 Travel and Expense Reimbursements

The Council shall establish an annual budget for conferences, meetings, training, and representation at ceremonial functions. Council Members shall attend these functions at his/her own discretion for purposes of improving comprehension of and proficiency in municipal affairs and/or legislative operations.

The Mayor will be allocated an additional \$500 per year for representation expenses.

The expenses of spouses who accompany public officials in the conduct of their public duties cannot be reimbursed (75 Cal. Op. Att'y. Gen. 20 (1992)).

4.2a City of Lodi Travel Policy (Adopted 1/5/94)

Council Members shall be subject to the City of Lodi Travel Policy as adopted by the Lodi City Council on January 5, 1994.

4.2b Appointment of Delegate/Alternate to National League of Cities and League of California Cities Annual Conferences (Res. 96-138)

Pursuant to Resolution No. 96-138, adopted by the Lodi City Council on September 18, 1996, the Mayor shall serve as the voting delegate and the Mayor Pro Tempore shall serve as the voting alternate for all National League of Cities and League of California Cities annual business meetings. In the event the Mayor and/or Mayor Pro Tempore does not attend the meeting, the Mayor shall make the selection of the voting alternate and/or delegate.

4.3 Protocol Account Policy (Res. 2000-126)

Pursuant to Resolution No. 2000-126, adopted by the Lodi City Council on July 19, 2000, expenses used for such occasions as Council receptions and business luncheons, joint dinner meetings with various agencies and organizations, and supplies associated with Mayoral duties (e.g. plaques and awards, sympathy and congratulation tokens, etc.) would require specific City Council approval, if over \$1,000. A monthly itemized report of the Protocol Account shall be provided to the City Council by the City Clerk.

4.4 Appointment of City Council Appointees (LMC Title 2)

Pursuant to LMC Section 2.12.010, "Office established—Appointment—Qualifications," the office of City Manager is established, which shall be appointed by the City Council solely on the basis of his/her executive and administrative qualifications. The powers and duties of the City Manager are set forth in LMC Section 2.12.060, "Powers and duties generally."

Pursuant to LMC Chapter 2.13, "City Clerk," the City Clerk shall be appointed by the City Council, which shall prescribe the qualifications, additional duties, and compensation of the City Clerk. The powers and duties of the City Clerk are further set forth in LMC Chapter 2.13, as well as those specified in California Government Code §40801 et seq. and other state and local statutes.

Pursuant to LMC Chapter 2.14, "City Attorney," the City Attorney shall be appointed by the City Council and shall serve as legal counsel to the City government and all officers, departments, boards, commissions, and agencies thereof. The powers and duties of the City Attorney are further set forth in LMC Chapter 2.14, as well as those prescribed by state law and by ordinance or resolution of the City Council.

4.5 Evaluation of City Council Appointees (Res. 2002-224)

Pursuant to Resolution No. 2002-224, adopted by the Lodi City Council on November 6, 2002, the City Council shall conduct Council Appointees' evaluations annually over the course of two City Council closed session meetings.

The purpose of Council Appointee evaluations is to: 1) motivate Appointees to work at their highest capacity by jointly establishing job standards and objectives, review progress toward achieving those results, and subsequently plan the Appointee's future development; 2) determine an Appointee's performance level to assist in making appraisals for merit pay increases and disciplinary actions; and 3) serve as a means of communication between City Council and the Appointee.

5. COMMISSION APPOINTMENTS

5.1 Commissions

City commissions (which hereinafter include standing Council-appointed boards, commissions, and committees) serve as advisory bodies to facilitate public input and citizen participation in the determination of public policies. This is accomplished by formulating recommended courses of action and policy to the City Council with whom final determination rests. The Planning Commission (LMC Chapter 2.16, "Planning Commission") has authority to make final determination in applicable circumstances (see LMC Title 17, "Zoning").

5.2 Commission Appointments

Resolution No. 2003-156, adopted by the Lodi City Council on August 20, 2003, establishes the policy regarding appointment of persons to membership on City commissions. Commission applicants, with the exception of the Greater Lodi Area Youth Commission, must be registered voters of San Joaquin County, and Site Plan and Architectural Review Commission applicants must be registered voters of the City of Lodi. Pursuant to LMC Section 2.16.010, "Established—Appointment," Planning Commission applicants must be registered voters of the City of Lodi. Applications are to be accepted by the City Clerk for 30 days and shall remain valid and on file for one year. Exception: Full-time and part-time City employees are prohibited from serving on a commission.

Those seeking appointment to a commission must submit an application to the City Clerk's Office. Those commissioners whose terms have expired must submit a new application; terms are not automatically renewed. Following the close of the 30-day application period, copies of all applications will be provided to Council Members for informational purposes, as well as to the appropriate staff liaisons.

Exception: The Greater Lodi Area Youth Commission may conduct independent interviews of all applicants, providing the Mayor with a ranking of the top ten, which he/she shall use in selecting qualified candidates.

The Mayor may request interviews or otherwise determine a selection process and shall submit recommendation(s) for appointment to the City Clerk's Office for placement on the City Council agenda for motion action.

5.3 Commission Responsibility

Commissioners should respect the public and staff and shall take seriously their responsibility for reporting to the City Council. Positions taken by appointed representatives should be in alignment with the positions that the Council has taken on issues that directly impact the City of Lodi. Commissioners shall make a good faith effort to attend all scheduled meetings and will notify the City liaison if they will be absent. Each Council-appointed commission shall be designated a staff liaison who shall make certain that the commission is properly instructed on its responsibilities and performance expectations. This may include the issuance of the commission's bylaws or guidelines, as well as copies of The Brown Act and Resolution No. 2006-31, "Rules of Conduct of Meetings, Proceedings, and Business." The City Attorney may from time to time conduct Brown Act workshops for new commissioners.

Commissioners may address the Council on items discussed by their respective bodies but should be limited to the chair or a representative that has been appointed by the commission. This will not take precedence over any individual's first amendment right to address the Council as an individual.

5.4 Council Contact with Commissions

Members of the City Council should not attempt to influence or publicly criticize commission recommendations, or to influence or lobby individual commission members on any item under their consideration. It is important for commissions to be able to make objective recommendations to the City Council on items before them. An exception to the Brown Act allows a legislative body majority to attend an open and noticed meeting of a standing committee of the legislative body provided that the legislative body members who are not members of the standing committee attend only as observers, meaning that they cannot speak or otherwise participate in the meeting.

5.5 Ad Hoc Committees and Task Forces

The City Council, through the City Manager, shall make certain that all Council-appointed ad hoc committees and task forces are properly instructed in their assigned scope of work and responsibility. The

expected output of their effort shall be clearly defined. Ad hoc committees and task forces are responsible for keeping the Council informed about issues being considered and their progress. This is to be accomplished by meeting minutes distributed in the Council weekly packets. Ad hoc committees and task forces are responsible for advising the Council of any need for information or more specific instructions. Ad hoc committees and task forces shall obtain Council concurrence before they proceed in any direction different from the original instructions of the Council.

5.6 Annual Recognition Reception

Each year in August, the City Council hosts an event (coordinated by the City Clerk's Office) to recognize the efforts of current and outgoing members of Council-appointed boards, commissions, committees, and task force groups.

5.7 Council Service on Commissions

Council Members are requested to serve on various commissions for outside agencies. Following a City election, at which new Council Members are elected, the newly-seated Council shall review the list of current assignments and make recommendations for appointments. Any Council Member desiring to serve on a certain commission should inform the Mayor. Council Members resigning from his/her position on a certain commission should inform the Mayor (via the City Clerk's Office) in writing. Appointments are subject to approval by a majority of Council.

Council representatives to such commissions shall keep the Council informed of ongoing business through periodic updates under the "Comments by Council" segment of the regular City Council meeting agenda or other means as appropriate.

5.8 Regional Boards

The role of the Council on regional boards will vary depending on the nature of the appointment. Representing interests of Lodi is appropriate on some boards; this is generally the case when other local governments have its own representation. Examples might be serving on the Northern California Power Agency and Northern San Joaquin County Groundwater Banking Authority. Other appointments, such as San Joaquin Council of Governments, are broader in nature; these boards depend on its members taking a more regional approach.

The positions taken by the appointed representative are to be in alignment with the positions that the Council has taken on issues that directly impact the City of Lodi. If an issue should arise that is specific to Lodi and the Council has not taken a position, the issue should be discussed by the Council prior to taking a formal position at a regional board to assure that it is in alignment with the Council's position.

6. MEETING GUIDELINES & PROCEDURES

6.1 Attendance / Quorum

Council Members acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Council Members shall make a good faith effort to attend all such meetings unless unable. Council Members will notify the City Clerk if they will be absent from a meeting. The City Clerk will then notify the City Manager, City Attorney, and all other Council Members.

Three members of the City Council shall constitute a quorum and shall be sufficient to transact business. If less than three appear at a regular meeting, the Mayor, Mayor Pro Tempore in the absence of the Mayor, any Council Member in the absence of the Mayor and Mayor Pro Tempore, or in the absence of all Council Members, the City Clerk, or his/her designee, shall adjourn the meeting to a stated day and hour or cancel the meeting due to the lack of a quorum.

Rule of Necessity: If enough Council Members are disqualified (e.g. conflict of interest) such that a quorum cannot be met the disqualified Members shall draw lots to rehabilitate a sufficient number of Council members to permit Council action. Direction from the City Attorney should be sought to determine that real conflict exists to necessitate the need to use the Rule of Necessity.

6.2 Meeting Dates and Location

Whenever possible, taking into consideration the number of participants and room availability, all Council meetings noticed for action shall be scheduled in the Council Chamber at the Carnegie Forum to allow for a live cable-cast of a meeting.

6.2a Regular Meetings & Informal Informational (Shirtsleeve) Sessions

Pursuant to LMC Chapter 2.04, "City Council Meetings," regular meeting dates are the first and third Wednesday of each month commencing at 7 p.m. Informal Informational (Shirtsleeve) Sessions are held every Tuesday morning at 7 a.m.

6.2b Special/Joint/Adjourned/Emergency Meetings

The Brown Act sets forth specific requirements for holding adjourned, special, and emergency meetings. The City Council may from time to time hold special joint meetings with boards and commissions or outside agencies or groups.

6.3 Agenda / Council Meeting

6.3a Agenda Packet Preparation

The City Manager reviews and approves all items for the Council agenda. Agenda packets are compiled, photocopied, converted electronically, posted to the Web, and distributed through the City Clerk's Office, pursuant to the "City Council Agendas, Council Communications, and Packet Policy/Procedure." Agenda packets (in CD format) shall be delivered to Council Members on the Friday prior to the Council meeting.

6.3b Placing Items on the Agenda

Pursuant to LMC Section 2.04.180 "Preparation of agendas," matters may be placed on the agenda for consideration by request of 1) any member of the City Council, 2) the City Manager, 3) the City Clerk, and 4) the City Attorney. Any reasonable request by any person named in this section shall be honored, subject to the City Manager's discretion as to the preparation of accompanying staff reports.

Requests from the public to place an item on the agenda are to be directed to the City Clerk's Office and shall be handled in the following manner:

- Proclamation/Certificate – All requests for proclamations and certificates are subject to approval of the Mayor and are typically honored only if a local representative from the requesting agency can appear to accept the certificate.
- Presentations – Most requests for presentation by civic groups and local organizations and requests for recognition of Eagle Scouts or for excellence in academics, athletics, etc. shall be honored and placed appropriately under the "Presentations" segment of the agenda.
- Item for Discussion/Action – Requests by members of the public to place an item for discussion or action on the agenda shall be directed to the appropriate City department for proper handling. In the event it cannot be handled in this manner, the individual requesting the action should submit in writing his/her specific request. The City Clerk shall then place the matter on the agenda under "Communications." The Council shall not take action on the matter other than to either 1) direct that the matter be placed on a future agenda or 2) direct staff to research the issue and report back to Council.

6.3c Order of Agenda Items

Resolution No. 2005-10, adopted by the Lodi City Council on January 11, 2005, establishes the order of business for City Council meetings. Topics anticipated to be of greatest interest to the public will be placed at the beginning of the Regular Calendar.

6.3d Agenda Posting

The agenda for any regular, special, or Shirtsleeve Session meeting shall be made available to the general public.

For every regular, special, or Shirtsleeve Session meeting, the City Clerk, or other authorized person, shall post the agenda, specifying the time and place at which the meeting will be held and a brief description of all items of business to be discussed at the meeting. The agenda shall be posted according to law at the following locations:

- Lodi City Hall – 221 W. Pine Street
- City Clerk's Office – 221 W. Pine Street, 2nd Floor
- Lodi Carnegie Forum* – 305 W. Pine Street
- Lodi Public Library – 201 W. Locust Street
- On the Internet – www.lodi.gov

*NOTE: This is the official City of Lodi posting location freely accessible to the public 24 hours a day.

6.3e Americans with Disabilities Act Statement

Agendas for all City Council meetings will contain a statement regarding the Americans with Disabilities Act in substantially the following language, making the City Clerk the contact for inquiries.

“NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.”

6.3f Limitation to Act Only on Items on the Agenda

No action shall be taken by the City Council on any item not on the posted agenda, subject only to the exceptions listed below:

- Upon a majority determination that an “emergency situation” (as defined by state law) exists; and
- Upon determination by a 4/5 vote of the full City Council, or a unanimous vote if less than a full Council, that there is a need to take immediate action and that the need to take the action came to the attention of the City Council subsequent to posting of the agenda.

6.3g Supplemental Information ("Blue Sheet" Items)

At times, it may be necessary to amend or provide new information to Council following the publication of the City Council packet. Supplemental material that revises a previously submitted item shall show new information in bold and deleted information in strikethrough. Supplemental material that adds further information to a previously submitted item (e.g. a new Council Communication or attachment) shall contain the statement "SUPPLEMENTAL INFORMATION" on the top, right-hand side of the new material. All supplemental material shall be copied on blue paper and distributed to Council Members and key staff members, in addition to the public information table, prior to the start of the meeting.

6.3h Closed Session

Closed sessions are regulated pursuant to the Brown Act. All written materials and verbal information regarding closed session items shall remain confidential. No member of the Council, employee of the City, or anyone else present shall disclose to any person the content or substance of any discussion that takes place in a closed session, unless authorized by a majority of Council. The same high standard of respect and decorum as apply to public meetings shall apply to closed sessions. There shall be courtesy, respect, and tolerance for all viewpoints and for the right of Council Members to disagree.

In accordance with Resolution No. 80-101, adopted by the Lodi City Council on August 6, 1980, the City Clerk is authorized to attend all closed session meetings to record motions and actions taken by the City Council. The City Attorney, following the adjournment of a closed session, shall disclose all reportable action taken in the closed session, which shall be recorded into the record by the City Clerk.

6.3i Invocations

The purpose of conducting invocations is to honor the importance of religion in the lives of Lodi citizens. Invocations are not for the purpose of fostering or establishing any religious belief, but are in recognition of the role that freedom of religion has played in the history of the country and the contribution that the faith community makes to the quality of life in Lodi.

Presenters of the invocation before City Council meetings will be invited from all religious groups who have expressed an interest in participating. Invocations are to be non-sectarian and non-denominational.

6.3j Presentations

Special presentations shall be scheduled as necessary in recognition of persons or groups, or for the promotion of an event or service. Requests for special presentations must be submitted to the City Clerk in writing in advance of the agenda deadline.

6.3k Consent Calendar

Those items on the Council agenda that are considered to be of a routine and non-controversial nature by the City Manager shall be listed on the "Consent Calendar." These items so listed shall be approved, adopted, accepted, etc. by one motion of the Council.

Council Members may comment on Consent Calendar items or ask for minor clarifications without the need for pulling the item for separate consideration. Items requiring deliberation should be pulled for separate consideration.

6.3l Public Comments

Pursuant to the Brown Act, public comment will be allowed on specific items of business on the Council agenda before or during the Council's consideration of the matter. Members of the public wishing to address Council on a closed session topic will be allowed an opportunity to do so prior to Council adjourning to closed session. Public comments will also be allowed on any item not on the agenda but within the jurisdiction of the City Council. Public comments on non-agenda items are limited to five minutes each. Individuals desiring to speak are encouraged to submit a request to speak card to the City Clerk listing their name and address.

All comments and testimony shall be made from the podium through the Mayor; no comment or testimony shall be shouted from the audience. Comment and testimony are to be directed to the City Council. Dialogue between and inquiries from citizens at the podium and members of staff or the seated audience is not permitted. Inquiries which require staff response shall be referred to staff for response at a later time.

The City Council cannot prohibit public criticism of policies, procedures, programs, or services of the agency or the acts or omissions of the City Council itself; however, the Brown Act provides no immunity for defamatory statements. Any person who addresses the City Council in a manner which disrupts, disturbs, or impedes the orderly conduct of the meeting may be asked to terminate his/her comment period. Continued inappropriate behavior or comments, after having been directed to discontinue, may be grounds for removal from the meeting.

6.3m Council Comments on Non-Agenda Items

Individual Council Members may make comments on any non-agenda item. Comments are generally for informational purposes or to request a future report on a matter; it is not intended for detailed discussion of an item or for action (Gov. Code Section 54954.3).

6.3n Public Hearings

Public hearings may be required on certain items as prescribed by the Lodi Municipal Code or by state or federal law. In addition to the public hearing procedures set forth in Resolution 2006-31, adopted by the Lodi City Council on February 15, 2006, the general procedure for public hearings is as follows:

1. Staff presents its report. Council Members may ask questions of staff.
2. The Mayor opens the public hearing.
3. The applicant or appellant has the opportunity to present his/her comments, testimony, or arguments. Adequate time must be allotted for the applicant or appellant to present his/her case.
4. Members of the public may present their comments subject to time limits established by the Mayor.
5. The Mayor closes the public hearing after everyone wishing to speak has had the opportunity to do so.
6. Council deliberates and takes action.

When the City Council acts in an adjudicatory or quasi-judicial capacity, each member must (1) disclose on the record the nature and substance of any ex parte communications relating to the matter; and (2) provide interested parties full and fair opportunity to rebut or explain the information obtained from those communications.

6.3o Regular Calendar

Those items on the Council agenda that are considered to require Council discussion or public input shall be listed on the "Regular Calendar." These items so listed shall be approved, adopted, accepted, etc. separately by the Council.

6.3p Ordinances

Ordinances involve a command or prohibition and have the force of law in the city for which an ordinance is adopted. An ordinance generally prescribes some permanent rule of conduct

or government that remains in force until the ordinance is repealed. With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required—one to introduce (on the Regular Calendar) and a second to adopt the ordinance (under Ordinances). Ordinances may only be passed at a Regular meeting or at an Adjourned (i.e. continued) Regular meeting; except for urgency ordinances, ordinances may not be passed at a Special meeting. Unless otherwise stated, an ordinance shall take effect 30 days following the date of adoption.

6.3q Resolutions

A resolution expresses City Council policy or directs certain types of administrative action and may be changed by a subsequent resolution. Resolutions are effective on the date of adoption.

6.3r Minute Motion

A minute motion is the most informal official action taken by the City Council. It ordinarily is used to indicate majority approval of a procedural action, such as accepting grant deeds, approving plans and specifications and agreements, or otherwise authorizing disposition of an agenda item.

6.3s Agency Meetings (LPIC, IDA, LFC, RDA)

The City Council, which also sits as members of the Lodi Public Improvement Committee (LPIC), Improvement Development Authority (IDA), Lodi Financing Committee (LFC), and the Redevelopment Agency (RDA), shall meet annually at the second meeting in December to elect new officers. Typically, the Mayor shall serve as Chairperson or President and the Mayor Pro Tempore shall serve as the Vice Chairperson or Vice President. The RDA members are entitled to compensation of \$30 per meeting up to four meetings per month; however, they may vote to waive the compensation.

6.3t Council Communications / Staff Reports

Each City Council agenda item shall have a coordinating staff report (Council Communication) prepared by the originating department. Council Communications are written specifically for the purpose of communicating information necessary for policy and decision-making and shall include an abbreviated history, the overall intent and need for the requested action, and its impact or affect on the community, services, and programs of the City.

6.3u Submitted Materials at Meetings are Public Record

Any written correspondence or other materials, when distributed to all, or a majority of all, of the members of the City Council by any person in connection with a matter subject to discussion or consideration at a public meeting, are disclosable public records under the California Public Records Act and shall be made available upon request without delay. Writings that are public records and that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by City staff or a member of the City Council, or after the meeting if prepared by some other person. All writings referenced herein shall be provided to and documented with a received/filed date by the City Clerk.

6.3v Electronic Mail Communications, Prohibited during Meetings

Use of the Internet and e-mail is prohibited by Council Members during City Council meetings. The purpose of this is: 1) to ensure that no violations of the Brown Act occur and 2) to allow for proper management of communications during meetings so that City business can be conducted in an efficient and orderly manner. E-mail communication sent to the City Council related to an item on an agenda will be received in the City Clerk's Office up to the close of business (5 p.m.) on the date of the meeting and will be provided to Council Members via "blue sheet." Such communications will be handled in accordance with California Government Code Section 54957.5.

6.3w Minutes

The City Clerk, or his/her designee, shall attend and prepare comprehensive summary minutes of all public meetings of the City Council. Minutes ready for Council approval shall be placed on the regular City Council meeting agenda and included in the Council packet. Pursuant to LMC Section 2.04.110, "Reading and approval of minutes," any Council Member can request a correction or amendment to the minutes, subject to verification by the City Clerk. It is suggested that Council Members contact the City Clerk no later than Tuesday before the regular meeting, which will allow the Clerk time to review the audio tape to ensure that the requested amendment was verbalized at the meeting, and if so, make the change to the minutes and present the amended minutes to Council on the day of the meeting for approval.

6.4 Rules of Conduct

6.4a Discussion Rules

The Mayor or presiding officer has the responsibility to control the debate and the order of speakers pursuant to the rules for conduct of meetings, proceedings, and business as set forth in Resolution No. 2006-31.

6.4b Council Comments (Related to Items on the Agenda)

Council Members shall limit their comments to the subject matter, item, or motion being currently considered by the Council.

6.4c Speaker Time Limits

Members of the public speaking on non-agenda items shall be limited to five minutes. Where the Council determines that the existence of unusual or controversial issues exists, that the large number of speakers wishing to address the Council so justifies, or that other considerations make modification appropriate, the Mayor may limit the amount of time to be afforded each speaker.

6.4d Council Questions of Speakers

Council Members who wish to ask questions of speakers may do so, but only after being recognized by the Mayor. Members of Council shall not engage in debate with a member of the public at Council meetings.

6.5 Decorum

6.5a Council Members / Council Appointees

Resolution No. 2004-115, adopted by the Lodi City Council on June 2, 2004, establishes the code of ethics and values to be followed by City Council Members and City Council Appointees (i.e. City Manager, City Attorney, and City Clerk). Members of the City Council and Council Appointees value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Council Members and Appointees shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the City Council. At all times, Council Members in the minority on an issue shall respect the decision and authority of the majority.

6.5b City employees

Members of the City staff are expected to observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a business professional manner toward Council Members and members of the public.

6.5c Public

Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council.

6.5d Noise in the Chamber

Noise emanating from the audience within the Council Chamber or lobby area, which disrupts City Council meetings, shall not be permitted.

6.6 Use of Council Chamber

As set forth in the City of Lodi Administrative Policy and Procedure Manual, the following are authorized uses of the spaces in the Carnegie Forum.

1. All meetings of the City Council.
2. All meetings of City boards and commissions when such boards and commissions are staffed by a City liaison person.
3. Meetings called by a Council Member(s) to discuss City business with constituents and others.
4. Department Head and other City staff meetings.
5. City employee training sessions.
6. General meetings of City employees for the purpose of disseminating job-related information.
7. Professional meetings hosted/conducted by City staff.
8. City-sponsored community awareness programs.

Exceptions to this policy may be made only on the authority of the City Council. The Council Chamber cannot be used as a location for taking campaign photos. All requests for use of Carnegie Forum spaces shall be made through the Secretary to the City Manager.

7. COMMUNICATIONS

7.1 Processing and Delivering of City Council Mail by City Clerk's Office

Upon authorization of the City Council Member, the City Clerk shall open all mail addressed to the Mayor and City Council Members, with the exception of those marked "Personal" or "Confidential."

Communication Addressed to the "City Council"

All correspondence addressed to the "City Council" is treated as public information. A copy is made for each member of the City Council, City Manager, City Attorney, and all other affected departments for information, referral, or handling. The original document is retained in the City Clerk's Office file.

Communication Addressed to the "Mayor"

Commonly, the sender's intent when addressing communication to the "Mayor" is merely to forward it to the head of the city governing body, and consequently, this type of correspondence is often handled in the same manner as communication addressed to the "City Council." Handling of the Mayor's mail is, however, at the discretion of the individual serving in this capacity, which is ascertained each year following the reorganization of the City Council.

Communication Addressed to Individual Council Members

Communication addressed specifically to individual City Council Members is treated as personal mail and is only opened by the City Clerk's Office if express authorization to do so was given by the Council Member. No copies are made or distributed. Should a response be needed, it is up to the individual Council Member to whom the correspondence was addressed, as is forwarding the information to affected departments if appropriate.

7.2 Council Calendar

An Annual Calendar List of Events shall be prepared by the City Clerk's Office, which includes City-related events, functions, meetings, and annual conferences. A weekly calendar is also prepared by the City Clerk and distributed to each Council Member, Administrative staff, and the press for informational purposes. It shall be the responsibility of the Council Members to notify the City Clerk of their attendance at an event, for which the City Clerk will handle the arrangements.

7.3 Citizen Complaint Process

All complaints directed to the City Council through the City Clerk's Office will be copied to the City Manager's Office and other affected departments. A reply confirming receipt of the communication, and notifying the sender who the communication has been forwarded to, will be sent by the City Clerk's Office within 24 hours.

7.4 Use of City Letterhead or City Seal

All Council Member correspondence written on City resources, i.e. letterhead, staff support, postage, etc., will reflect the position of the full Council, not individual Council Members' positions. All Council Member correspondence using City resources shall be copied to the full Council. The City Clerk is the custodian of the Official City Seal pursuant to Lodi Municipal Code 2.13.010. The City Seal shall not be altered and is to be used only on official City documents.

7.5 Communications with Staff

Pursuant to LMC Section 2.12.070, "Council to Deal Exclusively through City Manager," the City Council and its members, except for the purpose of inquiry, shall deal with administrative services solely through the City Manager, and neither the City Council nor any member thereof shall give orders to any of the subordinates of the City Manager. A Council Member shall not direct staff to initiate any action, change a course of action, or prepare any report that is significant in nature, nor shall a Council Member initiate any project or study without the approval of a majority of Council. Exception: Pursuant to LMC Title 2.13 and 2.14, the City Attorney and City Clerk are appointed by the City Council and shall report his/her advice, recommendations, and requests directly to the City Council.

In regard to an agenda item question, Council Members are encouraged to contact staff members to ask questions for clarification prior to the meeting, at which the subject will be discussed.

7.6 Complaints Regarding Performance of Staff

Any concerns by a member of Council over the behavior or work of a City employee should be directed to the City Manager privately to ensure the concern is resolved. Council Members shall not reprimand employees directly, nor shall they communicate their concerns to anyone other than the City Manager.

7.7 Handling of Litigation / Confidential Information

Council Members shall keep all written materials and verbal information provided to them on matters that are confidential under state law in complete confidence to ensure that the City's position is not compromised. No disclosure or mention of information in these materials shall be made to anyone other than Council Members, the City Attorney, or City Manager.

7.8 Representing Majority vs. Individual Opinion

A person elected to the City Council plays two roles: a member of a body elected to represent the City in its entirety and a private resident of the City. The second role is not relinquished when the first role is assumed. It is important to distinguish between the two roles at all times and to conduct business in one role separately from the other. The elected Council Member retains the right to speak as an individual, not as a member of the City Council, but must make it very clear that he/she speaks on his/her own behalf and not as a member of the City Council. This is because when the Council acts, it acts as a whole, not as a group of individuals.

If a member of the City Council appears before another governmental agency or organization to give a statement on an issue affecting the City, the Council Member should first indicate the majority position and opinion of the Council. Personal opinions and comments may be expressed only if the Council Member clarifies that these statements do not represent the position of the City Council.

8. CONFLICT OF INTEREST / ECONOMIC DISCLOSURE REQUIREMENTS FOR PUBLIC OFFICIALS

8.1 Conflict of Interest

The Political Reform Act (Government Code, Title 9, Sections 81000-91015) controls conflict of interest through disclosure and prohibition of participation in decisions, which are actual conflicts of interest. Specifically, it requires City Council Members and other public officials to annually disclose all financial interests that may be affected by decisions made in their official capacity; this includes interests such as investments, real property, and income. Council Members must also

disqualify themselves from making or participating in making or influencing any governmental decision that will have a foreseeable material financial affect on any economic interest of the Council Member or certain family members.

The Political Reform Act requires state and local government agencies to adopt and promulgate conflict of interest codes, which shall be reviewed bi-annually on even-numbered years. On December 1, 2004, the Lodi City Council adopted Resolution No. 2004-268 amending the City of Lodi's Conflict of Interest Code.

8.2 Statements of Economic Interest

A financial disclosure form (Statement of Economic Interest) must be filed with the City Clerk no later than April 1 of each year for financial interests pertaining to the preceding calendar year. Newly-elected Council Members must file a statement within 30 days of officially assuming office. Certain commission members and City employees are also subject to this disclosure requirement.

8.3 Make and Participate in Making a Decision

An official makes a decision when the official votes on a matter, appoints a person, obligates or commits the City to any course of action, or enters into any contract on behalf of the City. Pursuant to LMC 2.04.140, "Voting," all members of the Council, when present, must vote. If a member of the Council states that he/she is not voting, his/her silence shall be recorded as an affirmative vote unless, however, the Council Member abstains from voting by reason of his/her interest in the matter before the Council and that reason is stated at the meeting.

An official participates in making a decision when the official negotiates on behalf of the City without significant substantive review, or advises or makes recommendations to the decision maker, either directly or without significant intervening substantive review.

Exceptions: Making or participating in the making of a decision does not include ministerial, secretarial, manual or clerical actions, appearances by the official as a member of the general public before any body of the City in the course of its prescribed governmental function to represent himself/herself on matters related solely to his/her personal interest.

8.4 Provision of Advice from City Attorney regarding Conflict of Interest

Any official who is uncertain as to whether he/she may have a conflict of interest shall seek clarification from the City Attorney; however, the official must understand that the City Attorney may not keep the consultation confidential from the full Council, and the City Attorney's opinion is not a defense to a Fair Political Practices Commission (FPPC) enforcement action. When in doubt, the City Attorney can request a formal opinion from the FPPC if the request is made at least four weeks in advance.

8.6 Using Official Position to Influence

Council Members shall not attempt to coerce or influence any member, officer, official, consultant, or commission member of the City in the awarding of contracts, the selection of consultants, the processing of development applications, or the granting of City licenses or permits. The Council shall not attempt to change or interfere with the operating policies and practices of any City department.



CITY OF LODI COUNCIL COMMUNICATION

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AGENDA TITLE: Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation (175,611.33).

MEETING DATE: March 15, 2006 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council approve for payment expenses incurred by outside Counsel/Consultants related to the Environmental Abatement Litigation in the total amount of \$175,611.33.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn, and JAMS Mediation Services for services incurred relative to the Environmental Abatement Program litigation that are currently outstanding and need to be considered for payment.

Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Total Amount
8001	93343	1/31/2006	General Advice/Environmental Matters	\$260.00
8002	93344	1/31/2006	People v M&P Investments	11,315.62
				(32.50)
8003	93280	1/31/2006	Hartford Insurance Coverage Litigation	159,427.29
				(4,418.00)
8008	93346	1/31/2006	City of Lodi v. Envision Law Group	8,097.26
				<u>\$174,649.67</u>

JAMS Mediation Service

Invoice No.	Date	Description	Amount
1119393-110	02/2006	Mediation Services – M&P Investments	<u>\$ 961.66</u>

FISCAL IMPACT: Expenses will be paid out of the Water Fund.

FUNDING AVAILABLE: Water \$175,611.33.

Approved:

Approved:

Ruby Paiste, Interim Finance Director

Stephen Schwabauer, City Attorney

APPROVED:

Blair King, City Manager

**PCE/TCE Litigation
6-Month Budget Recap (January - June 2006)**

JANUARY

Matter	6-Month Budget*	Opening Balance for 6-Month Budget	One Month Amount	Amount Billed January**	Variance from Monthly Amount	Remainder 6-Month Budget	Cumulative Billed In 6-Mo. Budget Period
M&P, Related Cases includes matters 8001, 8002, 8007	\$ 667,500	\$ 667,500	\$ 111,250	\$11,576	-\$99,674	\$655,924	\$11,576
Hartford Action 8003	\$ 870,000	\$ 870,000	\$ 145,000	\$159,427	\$14,427	\$710,573	\$159,427
Envision Claims 8008	\$ 425,000	\$ 425,000	\$ 70,833	\$8,097	-\$62,736	\$416,903	\$8,097
Totals	\$ 1,962,500	\$1,962,500	\$ 327,083	\$179,100	-\$147,983	\$1,783,400	\$179,100

*Approved by City Council at the midpoint of \$1,962,500 million.

**Invoices dated February 16, 2006 for period January 1 through January 31, 2006.

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